

RUS ENVIRONMENTAL BULLETIN 1794A-602
CALIFORNIA STATE SUPPLEMENT

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GENERAL OVERVIEW:

USDA Rural Development (**USDA RD**) is responsible for completing the NEPA process for projects funded by Rural Utilities Service (**RUS**). USDA RD requires the Applicant to provide both a Preliminary Engineering Report (**PER**) and a separate “Environmental Report” (**ER**). The ER will be utilized for documenting compliance with NEPA and other environmental regulations.

The PER must comply with RUS Bulletins 1780-2, 1780-3, 1780-4, or 1780-5 as applicable. The Applicant can obtain these from the local USDA RD office or preferably through the RUS Web Site at <http://www.usda.gov/rus/water/index.htm> looking under “Regulations”, then under “RUS Regulations”, then scrolling down to the document. Two copies of the PER will be submitted to the local USDA RD processing office.

The purpose of this “RUS Bulletin 1794A-602, California RUS Environmental State Supplement” (**State Supplement**) is to facilitate an efficient and timely completion of the National Environmental Policy Act (NEPA) environmental review documents. This State Supplement applies to all RUS funded projects in the State of California.

This State Supplement is also intended to facilitate compliance with CEQA and NEPA-like requirements for projects that are jointly funded with USDA Rural Development that use funds from the State Water Resource Control Board (SWRCB), the Department of Health Services (DHS), or the California Department of Housing and Community Development (HCD).

The Applicant/Consultant will provide an Environmental Report that is in compliance with this State Supplement and formatted similar to either Exhibit A, B or C as applicable. Exhibit C will not be used on jointly funded projects utilizing funding from SWRCB or DHS.

Two copies of the Environmental Report checklist and the signature page will be submitted to the local USDA RD processing office. A copy will also be provided to the SWRCB, DHS or HCD if the project may involve their funding.

State Water Resources Control Board
Division of Clean Water Programs
Environmental Services Unit
P.O. Box 944212
Sacramento, CA 94244-2120 (919) 227-4572

Department of Health Services
Environmental Coordinator
Environmental Review Unit
Safe Drinking Water Revolving Fund Program
Division of Drinking Water & Environment Management
P.O. Box 942732
601 N. 7th Street, MS 92
Sacramento, CA 94234-7320 (916) 445-2519

Department of Housing and Community Development
P.O. Box 952054
MS 390-2
Sacramento, CA 94252-2054 (916) 445-6000

USDA RD in California will use the California Environmental Quality Act (CEQA) process as the centerpiece of the Environmental Report. The format outlined in Exhibit A or B allows USDA RD to (1) utilize the CEQA procedures; and (2) to comply with federal environmental regulations by supplementing the CEQA document to address the specific federal issues. Collectively this process allows USDA RD to use a process familiar to the Applicant, minimizes duplication of effort and comply with federal cross-cutting regulations.

Usually, the Environmental Report will be submitted in the form of adding supplemental information to the CEQA document. The Applicant may combine any required RUS public notices with CEQA required public notices.

This State Supplement guidance document is comprised of the following main parts:

1. Introductory general guidance for completing the RUS engineering and environmental process.
2. A guidance checklist for the Applicant (or their consultant) to use in preparing the Environmental Report. This involves using one of the following Exhibits A, B or C.
3. A list of expert contacts commonly used to complete the Environmental Report. See attached Exhibit D.
4. A list of abbreviations and definitions. See attached Exhibit E.
5. List of websites to download referenced RUS environmental and engineering procedures and forms. See attached Exhibit F.
6. A narrative flowchart outlining the environmental process. See attached Exhibit G.
7. A summary line diagram flowchart that shows the timing and relationship of the Applicant's activities and the USDA RD approvals. See attached Exhibit H.
8. A summary of RUS public notices requirements. See attached Exhibit I.
9. A copy of the USDA RD/SHPO Programmatic Agreement for complying with the Historic Preservation Act requirements. See attached Exhibit J. Other funding participants may not be allowed to use it so check with them.

BACKGROUND INFORMATION:

The state CEQA environmental review process is similar to the National Environmental Policy Act in its goals, objectives, purpose, and process. A primary goal of this State Supplement is to avoid duplication of effort between NEPA and CEQA, and to provide timely service to the public. This State Supplement is in compliance with 7 CFR 1794 and supersedes RUS Bulletin 1794A-602 relating to the environmental compliance process.

IMPLEMENTATION PROCEDURES:

The local USDA RD processing office will provide guidance to the Applicant/Consultant in preparing the Environmental Report. They will explain to the Applicant, or the Applicant's consultant, the RUS environmental review process, any required public notices, the use of this State Supplement, and advise them which exhibit of Exhibit A, B or C should be used to prepare the Environmental Report. The sequence of coordination is outlined in the attached Exhibits G and H.

RUS requires Applicants/Consultant, to provide an Environmental Report utilizing the format outlined in Exhibit A, B or C. Where possible, the Applicant/Consultant and the USDA RD will collectively utilize the CEQA environmental document as its primary base document for preparing the Environmental Report. The CEQA environmental document will include a supplement to assure that the unique RUS required items are covered. The supplemented CEQA document will then serve as RUS's required Environmental Report and NEPA document.

The final Environmental Report (ER) will utilize one of the following formats:

1. If the proposed project is classified by RUS as a NEPA “categorical exclusion”, utilize the attached Exhibit A to prepare the CEQA supplement for the required ER.
2. If the proposed project is classified by RUS as a NEPA “environmental assessment”, utilize the attached Exhibit B to prepare the CEQA supplement for the required ER.
3. If a CEQA environmental document has not been prepared and there is no joint funding with other agencies, the ER may be prepared in accordance with Exhibit C. Exhibit C generally can not be used if HCD, DHS or SWRCB funds are also involved in the project.

Cultural resource procedures and documentation will be done in accordance with the most current version of the “SHPO Programmatic Agreement” (PA) (See Exhibit J). This PA was approved by the California State Historic Preservation Officer (SHPO) on November 17, 1995, and approved by the Western Region of the Advisory Council On Historic Preservation on December 6, 1995. This PA is specifically for RUS projects located in California and remains in effect.

Upon request, the local USDA RD processing office will provide to the preparer of the ER the following completed items. The preparer will insert these documents into the ER.

1. Important Farmland Determination, including Form AD-1006.
2. Form RECD 2006-38, “Civil Rights Impact Analysis Certification”.
3. FEMA Form 81-93, “Standard Flood Hazard Determination”. The preparer will need to provide a FEMA floodplain map for the local USDA RD processing office to be able to prepare this form.
4. SHPO consultation letters. Normally this letter is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO Programmatic Agreement (SHPO PA). The Applicant will provide a record search from the regional Information Center if requested by the local USDA RD processing office or if the project will be jointly funded with SWRCB or DHS. If the regional Information Center recommends a field survey for cultural resources the applicant will provide it unless the local USDA RD processing office determines that it is not needed. Local USDA RD processing office will obtain SHPO consultation if the Information Center identifies historic properties in the area of potential effect, or the archeological survey identifies properties eligible for inclusion in the National Register. If DHS or SWRCB will be providing federal equivalency funding, contact DHS or SWRCB to see if they will be obtaining SHPO consultation.

The local USDA RD processing office will determine the appropriate timing for required preliminary notices. If the local USDA RD processing office believes public input is needed before the ER is finalized, they may request that the preliminary notice begin before the ER is completed.

As necessary, the Applicants or the preparer of the ER will contact the local USDA RD processing office for assistance in completing the ER and checklist. Questions concerning the ER process will be directed to the local USDA RD processing office. When referred by the local USDA RD processing office, questions relating to this State Supplement may be directed to Douglas Baxter, P.E., USDA RD State Environmental Coordinator (530) 792-5811.

ENVIRONMENTAL REPORT (ER) CHECKLIST
FOR PROJECTS WITH A CEQA DOCUMENT
AND
USDA RURAL DEVELOPMENT HAS DETERMINED THE PROJECT IS A
NEPA “CATEGORICAL EXCLUSION” ACTION

This checklist is to be used only for projects that (1) have a California Environmental Quality Act (CEQA) environmental document and (2) a NEPA environmental assessment is not required. This checklist is also intended to facilitate compliance with CEQA and NEPA like requirements for projects that are jointly funded with USDA Rural Development that use funds from the State Water Resource Control Board (SWRCB), the Department of Health Services (DHS); or the California Department of Housing and Community Development (HCD).

A supplemented CEQA document will serve as RUS’s required Environmental Report (ER). The CEQA document must be processed at least through the completion of the “Initial Study” or “Notice of Exemption” to be used as the base document for the proposed ER.

RUS recognizes that the CEQA environmental review process is very similar to the National Environmental Policy Act in its goals, objectives, purpose, and process. Duplication of effort should be avoided by incorporating the CEQA process into the ER. The following checklist is intended to assist in this process and to comply with Rural Utilities Service (RUS) environmental regulations, 7 CFR, Part 1794.

The preparer of the proposed ER should contact the local USDA RD processing office. The processing office, in consultation with the USDA RD State Environmental Coordinator, will determine the appropriate checklist to use for this project.

Items listed in the following checklist must be addressed in the format of a supplement to the CEQA document. This can be done by addressing them either (1) in the CEQA document or (2) by providing a separate supplemental document to the CEQA document. The items in the checklist are those supplemental items needed for USDA RD to complete the NEPA process and to assure compliance with federal environmental regulations. Items normally contained in a CEQA document are not listed on the checklist except to the point that additional documentation may be required. This supplemented CEQA document will serve as the RUS required ER.

When required and as appropriate, the preparer of the ER will consult with experts from federal, state and local agencies, universities, consultants or other organizations to assess potential impacts. Each consultation will be accurately summarized in the supplement to the ER and include the name, title, telephone number, and organization of the individual contacted. Written documentation is preferred but not always possible or essential. Documentation for telephone calls will be signed and dated. This and related correspondence should be attached to the supplemented CEQA document as exhibits. Expert consultation is not normally necessary for most issues unless sensitive environmental resources are potentially affected.

Each issue or potential environmental impact raised in the assessment will need to be considered for both the magnitude of the project and its environmental setting. The amount of analysis and documentation is to be commensurate with the type and size of the project, the environmental setting, and the degree of environmental impacts. The ER (CEQA document with supplement) will give primary effort to analyzing the most relevant concerns and not just gather standard documentation. In preparing an ER, each environmental factor listed must be addressed to an appropriate level.

The ER will need to be a stand-alone document and should not be part of the Preliminary Engineering Report. However, both documents should be prepared concurrently when possible. It should be written so that the general public can understand the issues and evaluations.

Exhibit D lists frequently utilized experts and contacts for preparing the ER.

Upon request, the local USDA RD processing office will provide to the preparer of the ER the following completed items. The preparer will insert these documents into the ER.

1. Important Farmland Determination, including Form AD-1006.
2. Form RECD 2006-38, "Civil Rights Impact Analysis Certification".
3. FEMA Form 81-93, "Standard Flood Hazard Determination".
4. SHPO consultation letters. Normally this letter is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO Programmatic Agreement (SHPO PA). The Applicant will provide a record search from the regional Information Center if requested by the local USDA RD processing office or if the project will be jointly funded with SWRCB or DHS. If the regional Information Center recommends a field survey for cultural resources the applicant will provide it unless the local USDA RD processing office determines that it is not needed. Local USDA RD processing office will obtain SHPO consultation if the Information Center identifies historic properties in the area of potential effect, or the archeological survey identifies properties eligible for inclusion in the National Register. If DHS or SWRCB will be providing federal equivalency funding, contact DHS or SWRCB to see if they will be obtaining SHPO consultation.

Please complete the following checklist. **For each checklist item proceeded by a "____" insert the page number** in the blank space to indicate where that subject is specifically discussed and located in the ER.

Two copies of the completed ER (signature cover page, checklist, items listed in the checklist, and the CEQA document) are to be sent to the local USDA RD processing office. A copy of the ER will also be provided to the SWRCB, DHS or HCD if the project may involve their funding.

ENVIRONMENTAL REPORT (ER) COVER PAGE and CHECKLIST

This cover page and the following checklist will be attached to the Environmental Report (ER) when it is submitted to the local USDA RD processing office.

This Exhibit A is completed and attached as a checklist for a Categorical Exclusion (CE) ER. This project action is a NEPA Categorical Exclusion action requiring an ER meeting the format outlined in the following checklist. This level of environmental review is appropriate and authorized by 7 CFR Part 1794.22(b).

Project Title and Location: _____

The CEQA document is attached. ☐ Yes ☐ No

An ER prepared in the format of this Exhibit A is attached. ☐ Yes ☐ No

For each checklist item proceeded by a “_____” the page number has been insert to specifically indicate where the subject information is discussed either the CEQA document or the supplement to the CEQA document which collectively constitute the ER document.

☐ Yes ☐ No

The proposed CEQA Negative Declaration or Draft EIR document was circulated through the Governor's Office of Planning and Research, State Clearinghouse (required only if funds are or may be coming from DHS or SWRCB).

☐ Yes ☐ No, but it will be done. ☐ No, this funding situation does not apply.

The project was determined to be exempt from CEQA documentation requirements and the Notice of Exemption is attached.

☐ Yes ☐ No, project is not exempt from CEQA.

If a CEQA exemption determination was made, the exemption was reviewed by DHS and/or SWRCB (required only if funds are or may be coming from DHS or SWRCB). DHS or SWRCB will provide this review in approximately 5 workdays.

☐ Yes ☐ No, this project is not exempt from CEQA or this funding situation does not apply.

Provided is a written analysis for any resource checked as being present, affected or converted.

☐ Yes ☐ No, the following environmental resources are not present, affected or converted.

Name and Title of Person Preparing
Checklist and Environmental Report:

_____ Date: _____

_____ Preparer's Phone Number _____

Signature of Preparer: _____

Environmental Report (ER) Checklist
For Projects With A CEQA Document

And

USDA Rural Development Has Determined The Project Is A
NEPA Categorical Exclusion

Supplement the CEQA document as requested below.

Attach the signature cover page, the following checklist, and the CEQA supplement to the CEQA document. Send two copies of the completed ER (signature cover page, checklist, items listed in the checklist, and the CEQA document) are to be sent to the local USDA RD processing office. A copy of the ER will also be provided to the SWRCB, DHS or HCD if the project may involve their funding.

When the environmental issues and resources are not affected state the basis for the determination.

Provide a written analysis for any resource checked as being present, affected or converted.

Attach any letters, maps, surveys, aerial photos, soil maps, etc., needed to explain and document the facts presented.

General Items:

Insert Referenced Page or
Exhibit Number(s) in Blanks Below.
N/A may apply if explained.

- _____ Attach the CEQA "Initial Study" or "Notice of Exemption", and if available, any other CEQA environmental documents. Include related exhibits and attachments to these documents.
- _____ Attach map(s) to show location of proposed work and the service area.
- _____ Attach FEMA floodplain map for the service area.
- _____ Upon request, the local USDA RD processing office will provide to the preparer of the ER the following completed items. The preparer will insert these documents into the ER.
 - _____ Important Farmland Determination, including Form AD-1006.
 - _____ Form RECD 2006-38, "Civil Rights Impact Analysis Certification".
 - _____ FEMA Form 81-93, "Standard Flood Hazard Determination".
 - _____ SHPO consultation letters. Normally this letter is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO Programmatic Agreement (SHPO PA). The Applicant will provide a record search from the regional Information Center if requested by the local USDA RD processing office or if the project will be jointly funded with SWRCB or DHS. If the regional Information Center recommends a field survey for cultural resources the applicant will provide it unless the local USDA RD processing office determines that it is not needed. Local USDA RD processing office will obtain SHPO consultation if the Information Center identifies historic properties in the area of potential effect, or the archeological survey identifies properties eligible for inclusion in the National Register. If DHS or SWRCB will be providing federal equivalency funding, contact DHS or SWRCB to see if they will be obtaining SHPO consultation.
- _____ Document if the project **will or may** affect a federally listed endangered or threatened species or listed critical habitat. The expert's input must make a clear determination of no affect or the U.S.

Fish and Wildlife Service (USFWS) review/consultation is needed. The determination should be based on utilizing experts such as State Fish and Game Department offices, biologists from other federal agencies, the results of the Applicant's or consultant's biological surveys, or the USFWS. The quickest determinations are obtained by either contacting the local State Fish and Game Department offices or having a biological survey completed. Experts need not be consulted if the project obviously will not affect plants and animals either on or off-site. This needs to be explained. Examples might include converting the use of an existing building or replacing a pipeline in a paved road.

- _____ Identify the watershed basin in which the project is located.
- _____ Regarding the Federal Air Conformity Rule de minimis thresholds, discuss if the project's construction and operation would generate air emissions equal to or in excess of 10 tons per year with respect to any criteria pollutant identified in the Federal Clean Air Act (including PM10). If the 10 tons per year limit is exceeded, provide the actual emissions estimate and identify any measures that would mitigate impacts to air quality.
- _____ Attach a list of any mitigation measures that are recommended in the CEQA document or needed due to potential adverse impacts.
- _____ Attach a mitigation measures implementation schedule.
- _____ Complete and attach the following "Evaluation of Impact to Resource" information sheet.

SHPO and Tribal Items:

- _____ Discuss if **Tribal lands**, any federally listed sites on the **National Register of Historic Places** or sites eligible for listing are in the area of potential affect for the project. This list is available on the Internet and listed in Exhibit D to this State Supplement. Discuss the results of the review of the National Register of Historic Places.
- _____ USDA RD has a Programmatic Agreement (SHPO PA) with the California State Historic Preservation Officer (SHPO) that frequently eliminates the need for SHPO consultation (see Exhibit J). **Contact the local USDA RD processing office** and ask them how to proceed with the project under the terms of the SHPO PA. Depending on the project, archeological surveys and contacting the regional office of the California Historical Resource Information System (Regional Information Center) may not be needed. USDA RD will require a public notice if the project will have an adverse affect on a listed cultural resource.
- _____ Indicate if the project activity is **listed in Appendix A of the SHPO Programmatic Agreement (PA)** (see Exhibit J) as having a minimal level of activity or ground disturbance. If proposed action is exempt from needing Regional Information Center comments, identify the applicable exemption paragraph in the Appendix A of the SHPO PA.

Appendix A of the SHPO PA lists project activities "...that do not involve extensive ground disturbance." The environmental setting of the project must be considered in determining how much ground can be disturbed and still be within the intent of the SHPO PA. For example, if a Regional Information Center "record search" has been done on a pipeline under an existing paved road, an extensive length of pipeline could be installed within the intent of the SHPO PA. By contrast, the SHPO PA would allow very little excavation without a record search if the pipeline were proposed to be in an unpaved utility corridor in a sensitive area such as along a river.

____ Provide a record search from the California Historical Resource Information System **(Regional Information Center)**, if:

1. The review for this proposed action is not exempted by the SHPO PA,
2. The project will be jointly funded with SWRCB or DHS,
3. If requested by the local USDA RD processing office, or
4. Site conditions warrant their input.

Although it may not be required, these record searches are encouraged except for very small activities.

____ **If requested** by the Regional Information Center or the local USDA RD processing office, provide an archeological survey. If the Regional Information Center recommends a field survey for cultural resources, the applicant will provide it unless the local USDA RD processing office determines that it is not needed. The need for an archeological survey will be determined by considering the information provided by the Regional Information Center, the amount of land disturbed, the amount of undisturbed land affected, and proximity of the project's area of potential affects to documented archeological or historic sites.

____ Request and include a SHPO concurrence letter if required. Normally this is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO PA. If DHS or SWRCB will be providing federal equivalency funding, contact DHS or SWRCB to see if they will be obtaining a SHPO consultation. The Applicant or the local USDA RD processing office will provide SHPO an analysis and determination, and ask for SHPO to concur. Obtain this **SHPO concurrence letter if:**

1. Regional Information Center identifies historic properties or archeological sites in the area of potential effect,
2. Regional the Information Center requests an archeological survey but Agency decides it is not needed and it is not done, or
3. The archeological survey identifies properties possibly eligible for inclusion in the National Register of Historic Places.

Tribal consultation:

Provide appropriate tribal consultation documentation and analysis. Tribal consultation will be done as part of the NEPA and National Historic Preservation Act, Section 106 consultation process.

The Historic Preservation Act requires that "a reasonable and good faith effort" will be made to conduct tribal consultation. This will be done in a manner that considers relevant factors such as; the size and type of project; magnitude of land disturbance; location of the project in proximity to tribal land; if the land has already been disturbed; and if there are historic or archeological sites in the area. Any decision not to initiate further tribal consultation must be explained.

____ Provide appropriate Tribal consultation analysis and documentation as explained below.

Do one of the following two items as applicable:

1. ____ If the project's activity is listed in Appendix A of the SHPO PA, further tribal consultation is not required unless the activity is on tribal land. This is due to the minimal nature of the project and specific nature of the project's setting. This must be explained in the ER. Conclude the analysis by **writing a summary** of potential to impact areas of tribal concern. Further tribal consultation as outline below is not required.
2. ____ If the project's activity is **not listed in Appendix A of the SHPO PA** or the project is located on tribal land, the following consultation documentation is required. Conclude the analysis by **writing a**

summary of potential to impact areas of tribal concern **after doing at least one of the following two options:**

- A. ____ **Option 1 (Preferred):** Provide a copy of comments from the California Native American Heritage Commission (NAHC) in the NEPA document. NAHC review comments may be available as part of the state's California Environmental Quality Act (CEQA) process. The NAHC has access to important information relating to properties of traditional religious and cultural importance, i.e. traditional cultural properties and the "Native American Contact List". Indicate if the NAHC database lists any federally recognized Indian tribe(s) in the project's area of potential affect. If there are none listed then summarize findings and no further consultation is required. If federally recognized Indian tribe(s) are listed, contact them as noted in Paragraph C below.

To obtain NAHC comments provide them with a brief description of the project and an 8 ½x11 map of the project's location. Please state the range, township, section, and sub-section, the name of the USGS quad map, and return Fax number. Requests may be Faxed to 916-657-5390. It will take about 10-15 days for a response. Their address is California Native American Heritage Commission, 915 Capital Mall, Room 364, Sacramento, CA 95814, phone 916-653-4082. **Or**

- B. ____ **Option 2:** Provide a printout of the Native American Graves Protection and Repatriation Act (NAGPRA) Consultation Database search. The National Park Service **NAGPRA Consultation Database** can be accessed at <http://www.cast.uark.edu/other/nps/nacd/> or call them at (202) 343-8161. At this website, the Applicant is to complete the search by entering the state and county for the project's location. If the project is physically located near other counties, a search of those counties should also be included. The query will ask for the "Report Type" and the response should be for a "Full Report". Indicate if the NAGPRA database search lists any federally recognized Indian tribe(s) in the project's area of potential affect. If there are none listed then summarize findings and no further consultation is required. If federally recognized Indian tribe(s) are listed, contact them as noted in Paragraph C below.

- C. ____ Contact any federally recognized Indian tribe(s) that might be affected by the project as determined from Paragraphs A or B above. Document that the Applicant wrote (on behalf of USDA Rural Development) **letters to all the tribes** recommended by the NAHC **or** listed in the NAGPRA Consultation Database search that are near the project site. The letters should be addressed to the tribal contact persons listed in the NAGPRA Consultation Database or as directed by NAHC. The letter will describe the project, the amount of area that will be disturbed, and the location of the proposed work.

Each tribe is to be advised that they will have 30 days to provide comments. Applicant shall make follow-up phone calls to see if the tribe desires to provide comments. This comment period may run concurrently with other required public notices. If tribal comments are received, they are to be evaluated and considered as part of the NEPA process prior to signing the NEPA document. USDA Rural Development may proceed with finalizing the NEPA process if a response is not received within the comment period.

____ Include a copy of any comments received from any tribe.

Housing and Urban Development requirements:

The following items marked as "**HCD requirement**" are **only required if** the project involves funds from the California Department of Housing and Community Development (HCD) or they might appear applicable to the project.

1. Noise Abatement and Control. (HCD requirement)

- _____ Determine if the project involves development of noise sensitive uses, is within line-of-sight of an arterial roadway or railroad, or subject to substantial noise roadway or railroad or an airport that would have an ambient noise level of greater than 65 Day Night Average Sound Level (LDN) based on the Housing and Urban Development (HUD) Noise Assessment Guide (NAG). (HCD requirement)
- _____ If noise generation or off-site noise is greater than 65 LDN, apply the noise standard to the project approval decision and consider the application of the noise attenuation measures listed in NAG, pages 39-40. (HCD requirement)
- 2. Explosive or Flammable Operations: (HCD requirement)
 - _____ Document that the project is located an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels, or chemicals containers according to “Sitting of HUD-Assisted Projects Near Hazardous Facilities” (HUD Manual’s Appendix F, pages 51-52). Also, document that the project will expose neither people nor buildings to such hazards. (HCD requirement)
 - _____ If applicable, mitigate the hazard (per 24 CFR 51.205) with the construction of a barrier of adequate size and strength to protect the project from the explosive or flammable hazard. (HCD requirement)
- 3. Toxic Chemicals and Radioactive Materials: (HCD requirement)
 - _____ Document by contacting appropriate federal, state, or local oversight agencies, that the project does not involve or promote new development for habitation within one mile of a National Priority List (NPL “Superfund”) site; within 2,000 feet of a CERCLIS site; nor is adjacent to any other known or suspected sites contaminated with toxic, radioactive, or hazardous materials, unless a federal, state, or local authoritative source determines the site does not pose a health hazard. (HCD requirement)
 - _____ If the project involves a proposed water system, determine if hazardous materials will affect the water quality either at the water’s source, treatment facility, or by absorption through the distribution pipe material. (HCD requirement)
 - _____ If a project involves property acquisition, include the results of a Phase 1 Environmental Site Assessment if any portion of the acquired property was used for commercial or industrial use, or which had significant quantities of chemicals stored, used, or disposed of on the property. Normally, land previously used for farm fields, residential development, or land that has not previously been developed does not require a Phase 1 Environmental Site Assessment. Phase 1 Environmental Site Assessments will be done in accordance with American Society For Testing and Materials (ASTM) Standard E-1527. (HCD requirement)
- 4. Airport Clear Zones and Accident Potential Zones: (HCD requirement)
 - _____ Document that the project is not within an Federal Aviation Administration (FAA) designated civilian airport Runway Clear Zone (RCZ), or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones. It is HUD policy not to provide any development assistance, subsidy or insurance in the RCZs or CZs unless the project will not be frequently used or occupied by people, and the airport operator provides written assurances that there are no plans to purchase the project site. (HCD requirement)

Evaluation of Impact to Resource
(Complete and Check Applicable Items)

| Resource | Resource Present | | Effects To Resource | | | Mitigation Needed ² (Check If Resource Is Present, Affected, Or Converted) |
|--|------------------|-----------|-----------------------|---------------------------------|--------------------------------------|--|
| | Yes ³ | No | Resource Not Affected | Resources Affected ³ | Resource Is Converted ^{1,3} | |
| Formally Classified Lands, i.e., National Parks and Monuments; National Landmarks or Battlefield Sites; National Historic Sites or Parks; Wilderness Areas; Wild and Scenic Rivers; Wildlife Refuges; National Seashores; National Trail System; state parks; federally administered forest or other land; or Native American owned and leases administered by the Bureau of Indian Affairs (BIA). | | | | | N/A | |
| Important Farmland or Forestland. | | | | | | |
| 100-Year Floodplain (500-Year Floodplain if facility is a critical facility or involves hazardous material). | | | | | | |
| Wetlands. | | | | | | |
| Cultural Resources, i.e., historic properties, archeological sites, listed on or potential to be listed on the National Register of Historic Places. | | | | | | |
| Biological Resource, i.e., federally listed threatened/endangered species, critical habitat, or state listed. | | | | | N/A | |
| Water Quality (Involving National Pollutant Discharge Elimination System Permit, water appropriation permits, or areas designated by EPA as a sole source aquifer). | | | | | N/A | |
| Coastal Zone Management Area. Document compliance if in a Coastal Zone Management Area. | | | | | N/A | |
| Miscellaneous issues, such as, air quality, seismic, mudslide areas, transportation, noise, odor, visual impacts, traffic, etc. | | | | | N/A | |
| Other Issues Of Concern To Be Documented | Yes | No | N/A | | | |
| Are there socio-economic/environmental justice impacts to minority or low-income areas? | | | | | | |
| Is the project proposal controversial for environmental reasons? If so, attach a summary of the controversy, any actions taken, and resolutions necessary to respond to the concerns. | | | | | | |
| Is the project controversial for other than environmental reasons? If so, attach a summary of the controversy, any actions taken, and resolutions necessary to respond to the concerns. | | | | | | |
| Does the project have any extraordinary circumstances, which may have a significant environmental effect? | | | | | | |

1. Refers to conversion of Important Farmland, construction or location of a facility (not utility lines) in a floodplain or wetland, or an adverse effect to a cultural resource pursuant to Section 106, National Historic Preservation Act (36 CFR 800). If any of these boxes are checked, a preliminary and final public notice are required, see Section 5.0 in RUS Bulletin 1794A-602.
2. Check only when mitigation measures are required. Summarize and attach a list of all mitigation measures required due to potential adverse impacts for the proposed project. Include mitigation measures recommended in the CEQA document. Required mitigation measures will be listed in the Letter of Conditions for USDA RD funding.
3. **Provide an attached written analysis for any resource checked as being present, affected or converted.**

ENVIRONMENTAL REPORT (ER) CHECKLIST
FOR PROJECTS WITH A CEQA DOCUMENT
AND
USDA RURAL DEVELOPMENT HAS DETERMINED
THE PROJECT REQUIRES A NEPA “ENVIRONMENTAL ASSESSMENT”

This checklist is to be used only for projects that have (1) a California Environmental Quality Act (CEQA) environmental document and (2) USDA Rural Development (USDA RD) is required to prepare a NEPA environmental assessment. This checklist is also intended to facilitate compliance with CEQA and NEPA-like requirements for projects that are jointly funded with USDA Rural Development that use funds from the State Water Resource Control Board (SWRCB), the Department of Health Services (DHS); or the California Department of Housing and Community Development (HCD).

A supplemented CEQA document will serve as USDA RD’s required Environmental Report (ER). If the CEQA document is an Environmental Impact Report (EIR), then it must be processed at least through the stage of being a “draft EIR” and ready for the “Notice of Completion” for public review. If a Negative Declaration CEQA document is done, then it must be completed and ready for issuing a “Notice of Availability”.

USDA RD recognizes that the CEQA environmental review process is very similar to the National Environmental Policy Act in its goals, objectives, purpose, and process. Duplication of effort should be avoided by incorporating the CEQA process into the ER. The following checklist is intended to assist in this process and to comply with Rural Utilities Service (RUS) environmental regulations, 7 CFR, Part 1794.

The preparer of the proposed ER should contact the local USDA RD processing office. The processing office will determine in consultation with the USDA RD State Environmental Coordinator the appropriate checklist to use for this project.

Items listed in the following checklist must be addressed in the format of a supplement to the CEQA document. This can be done by addressing them either (1) in the CEQA document or (2) by providing a separate supplemental document to the CEQA document. The items in the checklist are those supplemental items needed for USDA RD to complete the NEPA process and to assure compliance with federal environmental regulations. Items normally contained in a CEQA document are not listed on the checklist except to the point that additional documentation may be required.

When required and as appropriate, the preparer of the ER will consult with experts from federal, state and local agencies, universities, consultants or other organizations to assess potential impacts. Each consultation will be accurately summarized in the supplement to the ER and include the name, title, telephone number, and organization of the individual contacted. Written documentation is preferred but not always possible or essential. Documentation for telephone calls will be signed and dated. This and related correspondence should be attached to the supplemented CEQA document as exhibits. Expert consultation normally is not necessary for most issues unless sensitive environmental resources are potentially affected.

Each issue or potential environmental impact raised in the assessment will need to consider both the magnitude of the project and its environmental setting. The amount of analysis and documentation is to be commensurate with the type and size of the project, the environmental setting, and the degree of environmental impacts. The ER (CEQA document with supplement) will give primary effort to analyzing the most relevant concerns and not just gather standard documentation. In preparing an ER, each environmental factor listed must be addressed to an appropriate level.

The ER will need to be a stand-alone document and should not be part of the Preliminary Engineering Report. However, both documents should be prepared concurrently when possible. It should be written so that the general public can understand the issues and evaluations.

Exhibit D lists frequently utilized experts and contacts for preparing the ER.

Upon request, the local USDA RD processing office will provide to the preparer of the ER the following completed items. The preparer will insert these documents into the ER.

1. Important Farmland Determination, including Form AD-1006.
2. Form RECD 2006-38, "Civil Rights Impact Analysis Certification".
3. FEMA Form 81-93, "Standard Flood Hazard Determination".
4. SHPO consultation letters. Normally this letter is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO Programmatic Agreement (SHPO PA). The Applicant will provide a record search from the regional Information Center if requested by the local USDA RD processing office or if the project will be jointly funded with SWRCB or DHS. If the regional Information Center recommends a field survey for cultural resources the applicant will provide it unless the local USDA RD processing office determines that it is not needed. Local USDA RD processing office will obtain SHPO consultation if the Information Center identifies historic properties in the area of potential effect, or the archeological survey identifies properties eligible for inclusion in the National Register. If DHS or SWRCB will be providing federal equivalency funding, contact DHS or SWRCB to see if they will be obtaining SHPO consultation.

Please complete the following checklist. **For each checklist item preceded by a "____" insert the page number** in the blank space to indicate where that subject is specifically discussed and located in the ER.

Two copies of the completed ER (signature cover page, checklist, items listed in the checklist, and the CEQA document) are to be sent to the local USDA RD processing office. A copy of the ER will also be provided to the SWRCB, DHS or HCD if the project may involve their funding.

ENVIRONMENTAL REPORT (ER) COVER PAGE and CHECKLIST

This cover page and the following checklist will be attached to the Environmental Report (ER) when it is submitted to the local USDA RD processing office.

This Exhibit B is completed as a checklist for an ER for an Environmental Assessment (EA) that utilizes a CEQA document. This project action requires an ER for the preparation of an EA. This level of environmental review is appropriate and authorized by 7 CFR Part 1794.23(b).

Project Title and Location: _____

The CEQA document is attached. ☐ Yes ☐ No

An ER prepared in the format of this Exhibit B is attached. ☐ Yes ☐ No

For each checklist item proceeded by a “____” the page number has been insert to specifically indicate where the subject information is discussed either in the CEQA document or the supplement to the CEQA document which collectively constitute the ER.

☐ Yes ☐ No

The proposed CEQA Negative Declaration or Draft EIR document was circulated through the Governor's Office of Planning and Research, State Clearinghouse (required only if funds are or may be coming from DHS or SWRCB).

☐ Yes ☐ Will be done. ☐ No, this funding situation does not apply.

The project was determined to be exempt from CEQA documentation requirements and the Notice of Exemption is attached.

☐ Yes ☐ No, project is not exempt from CEQA.

If a CEQA exemption determination was made, the exemption was reviewed by DHS and/or SWRCB (required only if funds are or may be coming from DHS or SWRCB). DHS or SWRCB will provide this review in approximately 5 workdays.

☐ Yes ☐ No, this project is not exempt from CEQA or this funding situation does not apply.

Provided is a written analysis for any resource checked as being present, affected or converted. When listed environmental issues and resources are not affected the basis for the determination is stated.

☐ Yes, written analysis is attached. ☐ No, the following environmental resources are not present, affected or converted. The written basis for these determinations is attached.

Name and Title of Person Preparing
Checklist and Environmental Report:

_____ Date: _____

_____ Preparer's Phone Number _____

Signature of Preparer: _____

Environmental Report (ER) Checklist For Projects With A CEQA Document

And

USDA Rural Development is Required to Prepare a NEPA Environmental Assessment

Supplement the CEQA document as requested below.

Attach the signature cover page, the following checklist, and the CEQA supplement to the CEQA document.

Send two copies of the completed ER (signature cover page, checklist, items listed in the checklist, and the CEQA document) are to be sent to the local USDA RD processing office. A copy of the ER will also be provided to the SWRCB, DHS or HCD if the project may involve their funding.

Provide a written analysis for any resource checked as being present, affected or converted.

1.0 PROJECT'S PURPOSE AND NEED:

This information is contained in the CEQA document. Utilize the CEQA document.

2.0 ALTERNATIVES

This information should be contained in the CEQA document. Utilize the CEQA document. However, also discuss alternatives to impacting any environmental resource that requires a public notice as outlined in Exhibit I of this State Supplement. For an affected resource, evaluate if there are any practical alternatives, such as, the "No Project" alternative, alternative sites or alternative designs.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES:

Except as noted, this information is required content in the CEQA document. Utilize the CEQA document.

For each subchapter listed below identify the environmental resources in the area, the project's affect on them, and any needed mitigation measures. Consider the environmental effect of the proposed project and feasible alternatives previously identified. Consider direct impacts, indirect impacts and any cumulative impacts.

Insert Referenced Page or
Exhibit Number(s) in Blanks Below.
N/A may apply if explained.

_____ When the environmental issues and resources are not affected state the basis for the determination.

3.1 USDA Designated Important Farmland. (Includes prime farmland, unique farmland and farmland designated by the state or local jurisdiction)

Utilize the CEQA document and supplement it as follows.

_____ Discuss Affected Environment. If the project may convert important farmland, contact the local USDA RD processing office and request that they make a farmland determination. The local USDA RD processing office will obtain and provide any needed farmland determination form, such as Form AD-1006. Should you have questions relating to USDA designated important farmland contact the local USDA RD processing office. Avoid conversion of farmland unless there are no practical alternatives, in which case, appropriate mitigation measures must be provided. A farmland determination is not needed where the project is focused on serving existing users. USDA RD will require a public notice if USDA designated important farmland is converted. However, no public

notice is required if impact relates only to a utility line where the ground surface will be restored to its original grade and condition.

_____ Discuss Environmental Consequence.

_____ Identify Any Needed Mitigation Measures.

3.2 Floodplains.

Utilize the CEQA document and supplement it as follows.

_____ Discuss Affected Environment. Make sure location of the service area and the proposed improvements are shown on the FEMA's Federal Insurance Rate Map.

Avoid conversion or adversely affecting floodplains unless there are no practical alternatives, in which case, appropriate mitigation measures must be provided. USDA RD will require a public notice if a floodplain is affected. However, no public notice is required if impact relates only to a utility line where the ground surface will be restored to its original grade and condition.

_____ Attach a copy of the FEMA floodplain map if it is not in the CEQA document.

_____ For all projects, request the local USDA RD processing office provide a completed FEMA Form 81-93, "Standard Flood Hazard Determination" to be inserted into the ER.

_____ Discuss Environmental Consequence.

_____ Identify Any Needed Mitigation Measures.

3.3 Wetlands.

Utilize the CEQA document and supplement it as follows:

_____ Discuss Affected Environment. Avoid conversion of wetlands unless there are no practical alternatives, in which case, appropriate mitigation measures must be provided. If wetlands are affected indicate if the project is covered under an U. S. Army Corp of Engineer (USACE) "Nationwide Permit" or if a 404 permit is needed. Where there is potential for wetlands obtain a wetland determination from NRCS, USACE or a wetland delineator approved by one of these agencies to make the wetland determination. USDA RD will require a public notice if a wetland is converted or affected. However, no public notice is required if impact relates only to a utility line where the ground surface will be restored to its original grade and condition.

_____ Document the basis for determining if wetlands may or may not be present.

_____ Discuss Environmental Consequence.

_____ Identify Any Needed Mitigation Measures.

3.4 Historic and Cultural Resources.

_____ Discuss if **Tribal lands**, any federally listed sites on the **National Register of Historic Places** or sites eligible for listing are in the area of potential affect for the project. This list is available on the Internet and listed in Exhibit D to this State Supplement. Discuss the results of the review of the National Register of Historic Places.

_____ USDA RD has a Programmatic Agreement (SHPO PA) with the California State Historic Preservation Officer (SHPO) that frequently eliminates the need for SHPO consultation (see Exhibit J). **Contact the local USDA RD processing office** and ask them how to proceed with the project under the terms of the SHPO PA. Depending on the project, archeological surveys and contacting the regional office of the California Historical Resource Information System (Regional Information Center) may not be needed. USDA RD will require a public notice if the project will have an adverse affect on a listed cultural resource.

_____ Indicate if the project activity is **listed in Appendix A of the SHPO Programmatic Agreement (PA)** (see Exhibit J) as having a minimal level of activity or ground disturbance. If proposed action is exempt from needing Regional Information Center comments, identify the applicable exemption paragraph in the Appendix A of the SHPO PA.

Appendix A of the SHPO PA lists project activities "...that do not involve extensive ground disturbance." The environmental setting of the project must be considered in determining how much ground can be disturbed and still be within the intent of the SHPO PA. For example, if a Regional Information Center "record search" has been done on a pipeline under an existing paved road, an extensive length of pipeline could be installed within the intent of the SHPO PA. By contrast, the SHPO PA would allow very little excavation without a record search if the pipeline were proposed to be in an unpaved utility corridor in a sensitive area such as along a river.

_____ Provide a record search from the California Historical Resource Information System **(Regional Information Center)**, if:

1. The review for this proposed action is not exempted by the SHPO PA,
2. The project will be jointly funded with SWRCB or DHS,
3. If requested by the local USDA RD processing office, or
4. Site conditions warrant their input.

Although it may not be required, these record searches are encouraged except for very small activities.

_____ **If requested** by the Regional Information Center or the local USDA RD processing office, provide an archeological survey. If the Regional Information Center recommends a field survey for cultural resources, the applicant will provide it unless the local USDA RD processing office determines that it is not needed. The need for an archeological survey will be determined by considering the information provided by the Regional Information Center, the amount of land disturbed, the amount of undisturbed land affected, and proximity of the project's area of potential affects to documented archeological or historic sites.

_____ Request and include a SHPO concurrence letter if required. Normally this is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO PA. If DHS or SWRCB will be providing federal equivalency funding, contact DHS or SWRCB to see if they will be obtaining a SHPO consultation. The Applicant or the local USDA RD processing office will provide SHPO an analysis and determination, and ask for SHPO to concur. Obtain this **SHPO concurrence letter if**:

1. Regional Information Center identifies historic properties or archeological sites in the area of potential effect,
2. Regional the Information Center requests an archeological survey but Agency decides it is not needed and it is not done, or
3. The archeological survey identifies properties possibly eligible for inclusion in the National Register of Historic Places.

Tribal consultation:

Provide appropriate tribal consultation documentation and analysis. Tribal consultation will be done as part of the NEPA and National Historic Preservation Act, Section 106 consultation process.

The Historic Preservation Act requires that “a reasonable and good faith effort” will be made to conduct tribal consultation. This will be done in a manner that considers relevant factors such as; the size and type of project; magnitude of land disturbance; location of the project in proximity to tribal land; if the land has already been disturbed; and if there are historic or archeological sites in the area. Any decision not to initiate further tribal consultation must be explained.

_____ Provide appropriate Tribal consultation analysis and documentation as explained below.
Do one of the following two items as applicable:

1. _____ If the project’s activity is listed in Appendix A of the SHPO PA, further tribal consultation is not required unless the activity is on tribal land. This is due to the minimal nature of the project and specific nature of the project’s setting. This must be explained in the ER. Conclude the analysis by **writing a summary** of potential to impact areas of tribal concern. Further tribal consultation as outline below is not required.

2. _____ If the project’s activity is **not listed** in Appendix A of the SHPO PA or the project is located on tribal land, the following consultation documentation is required. Conclude the analysis by **writing a summary** of potential to impact areas of tribal concern **after doing at least one of the following two options**:

A. _____ **Option 1 (Preferred):** Provide a copy of comments from the California Native American Heritage Commission (NAHC) in the NEPA document. NAHC review comments may be available as part of the state’s California Environmental Quality Act (CEQA) process. The NAHC has access to important information relating to properties of traditional religious and cultural importance, i.e. traditional cultural properties and the “Native American Contact List”. Indicate if the NAHC database lists any federally recognized Indian tribe(s) in the project’s area of potential affect. If there are none listed then summarize findings and no further consultation is required. If federally recognized Indian tribe(s) are listed, contact them as noted in Paragraph C below.

To obtain NAHC comments provide them with a brief description of the project and an 8 ½x11 map of the project’s location. Please state the range, township, section, and sub-section, the name of the USGS quad map, and return Fax number. Requests may be Faxed to 916-657-5390. It will take about 10-15 days for a response. Their address is California Native American Heritage Commission, 915 Capital Mall, Room 364, Sacramento, CA 95814, phone 916-653-4082. **Or**

B. _____ **Option 2:** Provide a printout of the Native American Graves Protection and Repatriation Act (NAGPRA) Consultation Database search. The National Park Service **NAGPRA Consultation Database** can be accessed at <http://www.cast.uark.edu/other/nps/nacd/> or call them at (202) 343-8161. At this website, the Applicant is to complete the search by entering the state and county for the project’s location. If the project is physically located near other counties, a search of those counties should also be included. The query will ask for the “Report Type” and the response should be for a “Full Report”. Indicate if the NAGPRA database search lists any federally recognized Indian tribe(s) in the project’s area of potential affect. If there are none listed then summarize findings and no further consultation is required. If federally recognized Indian tribe(s) are listed, contact them as noted in Paragraph C below.

C. _____ Contact any federally recognized Indian tribe(s) that might be affected by the project as determined from Paragraphs A or B above. Document that the Applicant wrote (on behalf of USDA Rural Development) **letters to all the tribes** recommended by the NAHC **or** listed in the NAGPRA Consultation Database search that are near the project site. The letters should be addressed to the tribal contact persons listed in the NAGPRA Consultation Database or as directed by NAHC. The letter will describe the project, the amount of area that will be disturbed, and the location of the proposed work.

Each tribe is to be advised that they will have 30 days to provide comments. Applicant shall make follow-up phone calls to see if the tribe desires to provide comments. This comment period may run concurrently with other required public notices. If tribal comments are received, they are to be evaluated and considered as part of the NEPA process prior to signing the NEPA document. USDA Rural Development may proceed with finalizing the NEPA process if a response is not received within the comment period.

- _____ Include a copy of any comments received from any tribe.
- _____ Discuss Environmental Consequence.
- _____ Identify Any Needed Mitigation Measures.

3.5 Biological Resources.

Utilize the CEQA document and supplement it as follows.

- _____ Discuss Affected Environment. Document if the project will or may affect a federally listed endangered or threatened species or listed critical habitat. The determination should be based on utilizing experts such as State Fish and Game Department offices, biologists from other federal agencies, the results of the Applicant's or consultant's biological surveys, or the U.S. Fish and Wildlife Service (USFWS). The quickest determinations are obtained by either contacting the local State Fish and Game Department offices or having a biological survey completed. Experts need not be consulted if the project obviously will not affect plants and animals either on or off-site. This needs to be explained. Examples might include converting the use of an existing building or replacing a pipeline in a paved road.
- _____ Document if the project is likely to jeopardize the continued existence of a proposed species or result in the destruction of or adverse modification of a proposed critical habitat.
- _____ Attach consultation with the US Fish and Wildlife Service. Consultation is required if the expert indicates the project will or may affect listed species, or will or may jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of a proposed critical habitat. The expert's input must make a clear determination of no affect or the USFWS review is needed. The USDA State Environmental Coordinator should be contacted if the USFWS requires formal consultation.
- _____ Discuss if the project may have growth inducing impacts that will or may affect listed species, or will or may jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of a proposed critical habitat.
- _____ Discuss Environmental Consequence.
- _____ Identify Any Needed Mitigation Measures.

3.6 Water Quality Issues. Utilize the CEQA document and supplement it as follows.

- _____ Indicate if the project area is over an USEPA designated "sole source" aquifer. These designated aquifers are located (1) under any part of Fresno County, (2) Campo/Cottonwood Creek, located in Imperial County, (3) Scotts Valley area, located in Santa Cruz County, and near Ocotillo, California. If project is located over a designated aquifer then contact the RD Processing Office to see if consultation with EPA is required.
- _____ Identify the watershed basin in which the project is located.

3.7 Coastal Resources. If applicable, this information is contained in the CEQA document.

- _____ Indicate if the project is located in a coastal zone management area. If it is, document compliance with the Coastal Zone Management Plan.
- _____ Discuss if a Coastal Zone Management permit is needed and its status.

3.8 Socio-Economic and Environmental Justice Issues.

Utilize the CEQA document and supplement it as follows.

- _____ Discuss if the project may pose disproportionately high and adverse human health or environmental effects to minority and low-income populations, and how the project will affect nearby residents.
- _____ If minority and low-income populations may be adversely affected, provide opportunities for these groups to provide input into the ER and NEPA process.
- _____ For all projects request that the local USDA RD processing office provide a completed Form RECD 2006-38, "Civil Rights Impact Analysis Certification."
- _____ Identify measures that would reduce any identified adverse human health or environmental effects to minority and low-income populations.

3.9 Air Quality.

- _____ Discuss the project's effect on air quality.
- _____ Regarding the Federal Air Conformity Rule de minimis thresholds, discuss if the project's construction and operation would generate air emissions equal to or in excess of 10 tons per year with respect to any criteria pollutant identified in the Federal Clean Air Act (including PM10).
- _____ If the 10 tons per year limit is exceeded, provide the actual emissions estimate and identify any measures that would mitigate impacts to air quality.

If this information is contained in the CEQA document, utilize the CEQA document.

3.10 Location to other formally classified lands.

Indicate if any portion of the project is located on or within the following resources. Describe the project's location with respect to the following resources. Locational statement may use "miles to" or use a general verbal description.

- _____ Coastal Zone Management Area.
- _____ Wild and Scenic River or its watershed area.
- _____ National Forest Land.
- _____ Bureau of Land Management
- _____ National Parks.
- _____ Designated National Monuments

3.11 Miscellaneous Issues.

This information is contained in the CEQA document. Utilize the CEQA document.

3.12 Housing and Urban Development requirements: **The following are only required if** the project involves funds from the California Department of Housing and Community Development (HCD) or they might appear applicable to the project.

3.12.1 Noise Abatement and Control. (HCD requirement)

_____ Determine if the project involves development of noise sensitive uses, is within line-of-sight of an arterial roadway or railroad, or subject to substantial noise roadway or railroad or an airport that would have an ambient noise level of greater than 65 Day Night Average Sound Level (LDN) based on the Housing and Urban Development (HUD) Noise Assessment Guide (NAG). (HCD requirement)

_____ If noise generation or off-site noise is greater than 65 LDN, apply the noise standard to the project approval decision and consider the application of the noise attenuation measures listed in NAG, pages 39-40. (HCD requirement)

3.12.2 Explosive or Flammable Operations: (HCD requirement)

_____ Document that the project is located an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels, or chemicals containers according to "Sitting of HUD-Assisted Projects Near Hazardous Facilities" (HUD Manual's Appendix F, pages 51-52). Also, document that the project will expose neither people nor buildings to such hazards. (HCD requirement)

_____ If applicable, mitigate the hazard (per 24 CFR 51.205) with the construction of a barrier of adequate size and strength to protect the project from the explosive or flammable hazard. (HCD requirement)

3.12.3 Toxic Chemicals and Radioactive Materials: (HCD requirement)

_____ Document by contacting appropriate federal, state, or local oversight agencies, that the project does not involve or promote new development for habitation within one mile of a National Priority List (NPL "Superfund") site; within 2,000 feet of a CERCLIS site; nor is adjacent to any other known or suspected sites contaminated with toxic, radioactive, or hazardous materials, unless a federal, state, or local authoritative source determines the site does not pose a health hazard. (HCD requirement)

_____ If the project involves a proposed water system, determine if hazardous materials will affect the water quality either at the water's source, treatment facility, or by absorption through the distribution pipe material. (HCD requirement)

_____ If a project involves property acquisition, include the results of a Phase 1 Environmental Site Assessment if any portion of the acquired property was used for commercial or industrial use, or which had significant quantities of chemicals stored, used, or disposed of on the property. Normally, land previously used for farm fields, residential development, or land that has not previously been developed does not require a Phase 1 Environmental Site Assessment. Phase 1 Environmental Site Assessments will be done in accordance with American Society for Testing and Materials (ASTM) Standard E-1527. (HCD requirement)

3.12.4 Airport Clear Zones and Accident Potential Zones: (HCD requirement)

_____ Document that the project is not within an Federal Aviation Administration (FAA)-designated civilian airport Runway Clear Zone (RCZ), or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones. It is HUD policy not to provide any development assistance, subsidy or insurance in the RCZs or CZs unless the project will not be frequently used or occupied by people, and the airport operator provides written assurances that there are no plans to purchase the project site. (HCD requirement)

4.0 SUMMARY OF MITIGATION MEASURES:

- _____ List and discuss all mitigation measures required by the CEQA process and those needed to avoid or minimize adverse impacts. Where possible, try to utilize the mitigation measures established by local government if they meet the objectives of CEQA, federal Executive Orders, USDA policies, and RUS policies and regulations. Mitigation measures will be included as special requirements or provisions to the offer of financial assistance.
- _____ Attach a mitigation measures implementation schedule. Be specific and describe why mitigation measures are needed, what must be implemented, when they must be implemented, and who will be responsible for the action.

5.0 CORRESPONDENCE AND COORDINATION:

- _____ Discuss communications, letters and other documentation used in the ER presentation of facts and analysis.

6.0 EXHIBITS:

- _____ Attach all CEQA environmental documents, initial studies, and related exhibits and attachments to this ER.
- _____ Attach letters, maps, surveys, aerial photos, soil maps, etc., that were previously referenced or are needed to explain and document the facts presented and their evaluation.
- _____ The local USDA RD processing office will provide to the preparer of the ER the following completed items. The preparer will insert these documents into the ER.
 - _____ Important Farmland Determination, including Form AD-1006.
 - _____ Form RECD 2006-38, "Civil Rights Impact Analysis Certification".
 - _____ FEMA Form 81-93, "Standard Flood Hazard Determination".
 - _____ SHPO consultation letters. Normally this letter is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO Programmatic Agreement (SHPO PA). The Applicant will provide a record search from the regional Information Center if requested by the local USDA RD processing office or if the project will be jointly funded with SWRCB or DHS. If the regional Information Center recommends a field survey for cultural resources the applicant will provide it unless the local USDA RD processing office determines that it is not needed. Local USDA RD processing office will obtain SHPO consultation if the Information Center identifies historic properties in the area of potential effect, or the archeological survey identifies properties eligible for inclusion in the National Register. If DHS or SWRCB will be providing federal equivalency funding, contact DHS or SWRCB to see if they will be obtaining SHPO consultation.

ENVIRONMENTAL REPORT (ER) CHECKLIST
FOR PROJECTS WITHOUT AN ATTACHED CEQA DOCUMENT

This checklist is to be used for projects in which a CEQA environmental document can not be prepared within the time frame needed to fund this project. Exhibit C will not be used on jointly funded projects utilizing funds from SWRCB or DHS. Items listed in the following checklist will serve as the ER.

Duplication of effort should be avoided by incorporating (to the extent practical) the CEQA process into the RUS Environmental Report (ER). The following checklist is intended to assist USDA RD in complying with Rural Utilities Service (RUS) environmental regulations, 7 CFR, Part 1794.

The preparer of the proposed ER should contact the local USDA RD processing office. The processing office will determine in consultation with the USDA RD State Environmental Coordinator the appropriate checklist to use for this project.

When required and as appropriate, the preparer of the ER will consult with experts from federal, state and local agencies, universities, consultants or other organizations to assess potential impacts. Each consultation will be accurately summarized in the supplement to the ER and include the name, title, telephone number, and organization of the individual contacted. Written documentation is, preferred but not always possible or essential. Documentation for telephone calls will be signed and dated. This and related correspondence should be attached to the ER as exhibits. Expert consultation normally is not necessary for most issues unless sensitive environmental resources are potentially affected.

Each issue or potential environmental impact raised in the assessment will need to consider both the magnitude of the project and its environmental setting. The amount of analysis and documentation is to be commensurate with the type and size of the project, the environmental setting, and the degree of environmental impacts. The ER will give primary effort to analyzing the most relevant concerns and not just gather standard documentation. In preparing an ER, each environmental factor listed must be addressed to an appropriate level. Please consult with the local USDA RD processing office, and as needed, refer to the full text of RUS Bulletin 1794A-602 and this State Supplement to 7 CFR Part 1794 for more specific information on each natural resource subject.

The ER will need to be a stand-alone document and it should not be part of the preliminary engineering report. However, both documents should be prepared concurrently when possible. It should be written so that the general public can understand the issues and evaluations.

Exhibit D lists frequently utilized experts and contacts for preparing the ER.

The local USDA RD processing office will provide to the preparer of the ER the following completed items. The preparer will insert these documents into the ER.

1. Important Farmland Determination, including Form AD-1006.
2. Form RECD 2006-38, "Civil Rights Impact Analysis Certification".
3. FEMA Form 81-93, "Standard Flood Hazard Determination".
4. SHPO consultation letters. Normally this letter is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO Programmatic Agreement (SHPO PA). The Applicant will provide a record search from the Information Center if requested by the local USDA RD processing office. If the Information Center requests an archeological survey the applicant will provide it if the local USDA RD processing office concurs that it is needed. Local USDA RD processing office will obtain SHPO consultation if the Information Center identifies historic properties in the area of potential effect, or the archeological survey identifies properties eligible for inclusion in the National Register.

Please complete the following checklist. **For each subject proceeded by a "____" insert the page number** in the blank space to indicate where that subject is located in the ER.

Two copies of the completed ER (signature cover page, checklist, items listed in the checklist, and the CEQA document) are to be sent to the local USDA RD processing office.

ENVIRONMENTAL REPORT (ER) COVER PAGE and CHECKLIST

This cover page and the following checklist will be attached to the Environmental Report (ER) when it is submitted to the local USDA RD processing office.

This Exhibit C is completed as a checklist for an ER for an Environmental Assessment (EA) that does **NOT** utilizes a CEQA document. This project action requires an ER for the preparation of an EA. This level of environmental review is appropriate and authorized by 7 CFR Part 1794.23(b).

Project Title and Location:

A CEQA document will not be prepared in the near future.

☐ Yes ☐ No

The completed Exhibit C checklist is attached. **For each checklist item proceeded by a “_____” the page number has been insert** to specifically indicate where the subject information is discussed either in the CEQA document or the supplement to the CEQA document which collectively constitute the ER.

☐ Yes ☐ No

An Environmental Report (ER) is attached and has been prepared in the format outlined in this Exhibit C.

☐ Yes ☐ No

Provided is a written analysis for any resource checked as being present, affected or converted. When listed environmental issues and resources are not affected the basis for the determination is stated.

☐ Yes , written analysis is attached. ☐ No, the following environmental resources are not present, affected or converted. The written basis for these determinations is attached.

Name and Title of Person Preparing
Checklist and Environmental Report:

Date: _____

Preparer's Phone Number _____

Signature of Preparer: _____

ENVIRONMENTAL REPORT (ER) CHECKLIST
FOR PROJECTS WITHOUT A CEQA DOCUMENT

1.0 PROJECT'S PURPOSE AND NEED:

Insert Referenced Page or
Exhibit Number(s) in Blanks Below.
N/A may apply if explained.

- _____ Identify the project's name.
- _____ Describe the project's location.
- _____ Describe the project's specific elements (i.e. size, components, design capabilities, etc.).
- _____ Explain what is the project's purpose/objectives.
- _____ Provide a statement explaining why this project is needed. The purpose, objective, and project's need statements are important, especially when discussing the alternatives including the No-Action alternative.

2.0 ALTERNATIVES:

- _____ Discuss the feasibility of the following alternatives as they relate to the objective and need for the project, and the environmental setting. Detailed analysis may be in the preliminary engineering report and referenced. Discuss alternatives, such as:

- _____ 1. Alternative locations.
- _____ 2. Alternative designs.
- _____ 3. Alternative projects having similar benefits.
- _____ 4. No project (no action) alternative.

This discussion must reasonably (1) determine how substantial the affects are on the environmental resource, (2) compare the importance of the need for the project in relationship to the impacts on the environmental resources, (3) discuss options available to the approval official, and (4) determine if there are any "practical alternatives" to impacting important environmental resources (floodplain, wetland, important farmland, or cultural resources).

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES:

General Information:

- _____ Describe the project site and adjacent areas.
 - _____ Discuss present land zoning and use, and proposed changes in land use at the project's site.
 - _____ Describe the affect on surrounding land uses.
 - _____ Describe any zoning restrictions and project's consistency with the local land use plan.
- _____ Provide site photos and locational maps, USGS topographic map, any available aerial photos, and if appropriate, land use maps. (Attach the above items to the ER as referenced exhibits.)
- _____ Provide a NRCS soil survey map and legend, if available. (Attach this item to the ER as a referenced exhibit.) For each subchapter listed below identify the environmental resources in the area, the project's affect on them, and any needed mitigation measures. Consider the environmental effect of the proposed project and feasible alternatives previously identified. Consider direct impacts, indirect impacts, and any cumulative impacts.

- ____ 3.1 Discuss land use relating to important farmland, national parks and monuments, national natural landmarks, national historic sites, designated wilderness area, designated wild and scenic and recreational river, wildlife refuges, designated national seashores, lakeshores and trails, state parks, BLM federal lands, national forests, or native American owned or leased land administered by the Bureau of Indian Affairs (BIA).
 - ____ 3.1.1 Farmland.
 - ____ Discuss Affected Farmland. (Includes prime farmland, unique farmland and farmland designated by the state or local jurisdiction.) If the project may convert important farmland, contact the local USDA RD processing office and request they make a farmland determination. The local USDA RD processing office will obtain and provide any needed farmland determination form, such as Form AD-1006. Should you have questions relating to USDA designated important farmland, contact the local USDA RD processing office. Avoid conversion of farmland unless there are no practical alternatives, in which case appropriate mitigation measures must be provided. A farmland determination is not needed where the project is focused on serving existing users. USDA RD will require a public notice if USDA designated important farmland will be converted. However, no public notice is required if impact relates only to a utility line where the ground surface will be restored to its original grade and condition.
 - ____ If federal or tribal lands are affected provide comments from those entities.
 - ____ 3.1.2 Discuss Environmental Consequence.
 - ____ 3.1.3 Identify Any Needed Mitigation Measures.
- ____ 3.2 Floodplains.
 - ____ 3.2.1 Discuss Affected Environment. Avoid conversion of floodplains unless there are no practical alternatives, in which case appropriate mitigation measures must be provided. 100-year floodplain applies to most structures, except for “critical facilities” in which the 500-year floodplain applies. Any impacts to structures or the natural values and functions of the floodplain must be considered and evaluated. USDA RD will require a public notice if a floodplain is affected. However, no public notice is required if impact relates only to a utility line where the ground surface will be restored to its original grade and condition.
 - ____ Show location of the service area and the proposed improvements on the FEMA Federal Insurance Rate Map (FIRM).
 - ____ Attach a copy of the FEMA FIRM floodplain map. Include the map in Section 6.0, “Exhibits” to the ER.
 - ____ For all projects request that the local USDA RD processing office provide a completed FEMA Form 81-93, “Standard Hazard Determination”, to be inserted into the ER.
 - ____ 3.2.2 Discuss Environmental Consequence.
 - ____ 3.2.3 Identify Any Needed Mitigation Measures. Consider both structures and the natural values and functions of the floodplain.

____ 3.3 Wetlands.

____ 3.3.1 Discuss Affected Environment. Avoid conversion of wetlands unless there are no practical alternatives, in which case appropriate mitigation measures must be provided. If wetlands are affected indicate if the project is covered under an U. S. Army Corp of Engineer (USACE) "Nationwide Permit" or if a 404 permit is needed. If there is potential for wetlands obtain a wetland determination from NRCS, USACE or a wetland delineator approved by one of these agencies to make the wetland determination. USDA RD will require a public notice if a wetland is converted or affected. However, no public notice is required if impact relates only to a utility line where the ground surface will be restored to its original grade and condition.

____ 3.3.2 Document the basis for determining if wetlands may or may not be present.

____ 3.3.3 Discuss Environmental Consequence.

____ 3.3.4 Identify Any Needed Mitigation Measures.

____ 3.4 Historic and Cultural Resources.

____ 3.4.1 Discuss if **Tribal lands**, any federally listed sites on the **National Register of Historic Places** or sites eligible for listing are in the area of potential affect for the project. This list is available on the Internet and listed in Exhibit D to this State Supplement. Discuss the results of the review of the National Register of Historic Places.

____ 3.4.2 USDA RD has a Programmatic Agreement (SHPO PA) with the California State Historic Preservation Officer (SHPO) that frequently eliminates the need for SHPO consultation (see Exhibit J). **Contact the local USDA RD processing office** and ask them how to proceed with the project under the terms of the SHPO PA. Depending on the project, archeological surveys and contacting the regional office of the California Historical Resource Information System (Regional Information Center) may not be needed. USDA RD will require a public notice if the project will have an adverse affect on a listed cultural resource.

____ 3.4.3 Indicate if the project activity is **listed in Appendix A of the SHPO Programmatic Agreement (PA)** (see Exhibit J) as having a minimal level of activity or ground disturbance. If proposed action is exempt from needing Regional Information Center comments, identify the applicable exemption paragraph in the Appendix A of the SHPO PA.

Appendix A of the SHPO PA lists project activities "...that do not involve extensive ground disturbance." The environmental setting of the project must be considered in determining how much ground can be disturbed and still be within the intent of the SHPO PA. For example, if a Regional Information Center "record search" has been done on a pipeline under an existing paved road, an extensive length of pipeline could be installed within the intent of the SHPO PA. By contrast, the SHPO PA would allow very little excavation without a record search if the pipeline were proposed to be in an unpaved utility corridor in a sensitive area such as along a river.

____ 3.4.4 Provide a record search from the California Historical Resource Information System (**Regional Information Center**), if:

1. The review for this proposed action is not exempted by the SHPO PA,
2. The project will be jointly funded with SWRCB or DHS,
3. If requested by the local USDA RD processing office, or
4. Site conditions warrant their input.

Although it may not be required, these record searches are encouraged except for very small activities.

____ 3.4.5 **If requested** by the Regional Information Center or the local USDA RD processing office, provide an archeological survey. If the Regional Information Center recommends a field survey for cultural resources, the applicant will provide it unless the local USDA RD processing office determines that it is not needed. The need for an archeological survey will be determined by considering the information provided by the Regional Information Center, the amount of land disturbed, the amount of undisturbed land affected, and proximity of the project's area of potential affects to documented archeological or historic sites.

____ 3.4.6 Request and include a SHPO concurrence letter if required. Normally this is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO PA. If DHS or SWRCB will be providing federal equivalency funding, contact DHS or SWRCB to see if they will be obtaining a SHPO consultation. The Applicant or the local USDA RD processing office will provide SHPO an analysis and determination, and ask for SHPO to concur. Obtain this **SHPO concurrence letter if:**

1. Regional Information Center identifies historic properties or archeological sites in the area of potential effect,
2. Regional the Information Center requests an archeological survey but Agency decides it is not needed and it is not done, or
3. The archeological survey identifies properties possibly eligible for inclusion in the National Register of Historic Places.

____ 3.4.7 **Tribal consultation:**

Provide appropriate tribal consultation documentation and analysis. Tribal consultation will be done as part of the NEPA and National Historic Preservation Act, Section 106 consultation process.

The Historic Preservation Act requires that "a reasonable and good faith effort" will be made to conduct tribal consultation. This will be done in a manner that considers relevant factors such as; the size and type of project; magnitude of land disturbance; location of the project in proximity to tribal land; if the land has already been disturbed; and if there are historic or archeological sites in the area. Any decision not to initiate further tribal consultation must be explained.

____ Provide appropriate Tribal consultation analysis and documentation as explained below.
Do one of the following two items as applicable:

1. ____ If the project's activity is **listed** in Appendix A of the SHPO PA, further tribal consultation is not required unless the activity is on tribal land. This is due to the minimal nature of the project and specific nature of the project's setting. This must be explained in the ER. Conclude the analysis by **writing a summary** of potential to impact areas of tribal concern. Further tribal consultation as outline below is not required.
2. ____ If the project's activity is **not listed** in Appendix A of the SHPO PA or the project is located on tribal land, the following consultation documentation is required. Conclude the analysis by **writing a summary** of potential to impact areas of tribal concern **after doing at least one of the following two options:**
 - A. ____ **Option 1 (Preferred):** Provide a copy of comments from the California Native American Heritage Commission (NAHC) in the NEPA document. NAHC review comments may be available as part of the state's California Environmental Quality Act (CEQA) process. The NAHC has access to important information relating to properties of traditional

religious and cultural importance, i.e. traditional cultural properties and the “Native American Contact List”. Indicate if the NAHC database lists any federally recognized Indian tribe(s) in the project’s area of potential affect. If there are none listed then summarize findings and no further consultation is required. If federally recognized Indian tribe(s) are listed, contact them as noted in Paragraph C below.

To obtain NAHC comments provide them with a brief description of the project and an 8 ½x11 map of the project’s location. Please state the range, township, section, and sub-section, the name of the USGS quad map, and return Fax number. Requests may be Faxed to 916-657-5390. It will take about 10-15 days for a response. Their address is California Native American Heritage Commission, 915 Capital Mall, Room 364, Sacramento, CA 95814, phone 916-653-4082. **Or**

B. **Option 2: Provide a printout of the Native American Graves Protection and Repatriation Act (NAGPRA) Consultation Database search.** The National Park Service **NAGPRA Consultation Database** can be accessed at <http://www.cast.uark.edu/other/nps/nacd/> or call them at (202) 343-8161. At this website, the Applicant is to complete the search by entering the state and county for the project’s location. If the project is physically located near other counties, a search of those counties should also be included. The query will ask for the “Report Type” and the response should be for a “Full Report”. Indicate if the NAGPRA database search lists any federally recognized Indian tribe(s) in the project’s area of potential affect. If there are none listed then summarize findings and no further consultation is required. If federally recognized Indian tribe(s) are listed, contact them as noted in Paragraph C below.

C. Contact any federally recognized Indian tribe(s) that might be affected by the project as determined from Paragraphs A or B above. Document that the Applicant wrote (on behalf of USDA Rural Development) **letters to all the tribes** recommended by the NAHC **or** listed in the NAGPRA Consultation Database search that are near the project site. The letters should be addressed to the tribal contact persons listed in the NAGPRA Consultation Database or as directed by NAHC. The letter will describe the project, the amount of area that will be disturbed, and the location of the proposed work.

Each tribe is to be advised that they will have 30 days to provide comments. Applicant shall make follow-up phone calls to see if the tribe desires to provide comments. This comment period may run concurrently with other required public notices. If tribal comments are received, they are to be evaluated and considered as part of the NEPA process prior to signing the NEPA document. USDA Rural Development may proceed with finalizing the NEPA process if a response is not received within the comment period.

_____ Include a copy of any comments received from any tribe.

_____ 3.4.8 Discuss Environmental Consequence.

_____ 3.4.9 Identify Any Needed Mitigation Measures.

_____ 3.5 Biological Resources.

_____ 3.5.1 Discuss Affected Environment.

_____ Document if the project will or may affect a listed endangered or threatened species or listed critical habitat. The determination should be based on utilizing experts such as State Fish and Game Department offices, biologists from other federal agencies, the results of the Applicant’s or consultant’s biological surveys, or the U.S. Fish and Wildlife Service (USFWS). Local State Fish and Game

Department offices and biological surveys provide the quickest determinations. Experts need not be consulted if the project obviously will not affect plants and animals either on or off-site. This needs to be explained. Examples might include converting the use of an existing building or replacing a pipeline in a paved road.

_____ Document if the project is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of a proposed critical habitat.

_____ Attach consultation with the US Fish and Wildlife Service if the expert indicates that the project will or may affect listed species, or will or may jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of a proposed critical habitat. The expert's input must make a clear determination that there is no affect or the USFWS review is needed. The USDA State Environmental Coordinator should be contacted if the USFWS requires formal consultation.

_____ 3.5.2 Discuss Environmental Consequence.

_____ 3.5.3 Identify Any Needed Mitigation Measures.

_____ 3.6 Water Quality Issues.

_____ 3.6.1 Discuss Affected Environment.

_____ For discharges or withdrawals discuss condition of and impact to surface water or groundwater aquifer.

_____ Describe potential for increased surface runoff and erosion during and after construction.

_____ Describe project's water source and availability of any needed supply of water. Discuss if the project will create any water shortages.

_____ Describe any impacts to community water or wastewater treatment facilities.

_____ Indicate if the project area is over an USEPA designated "sole source" aquifer. These designated aquifers are located (1) under any part of Fresno County, (2) Campo/Cottonwood Creek, located in Imperial County, (3) Scotts Valley area, located in Santa Cruz County, and near Ocotillo, California. If project is located over a designated aquifer then contact the RD Processing Office to see if consultation with EPA is required.

_____ Document consultation with EPA if the project or affected area is located over an EPA designated sole source aquifer.

_____ 3.6.2 Discuss Environmental Consequence.

_____ 3.6.3 Identify Any Needed Mitigation Measures.

_____ 3.7 Coastal Resources.

_____ 3.7.1 Discuss Affected Environment.

_____ Indicate if the project is located in a coastal zone management area. If it is, document compliance with the Coastal Zone Management Plan.

_____ Discuss if a Coastal Zone Management permit is needed and its status.

_____ 3.7.2 Discuss Environmental Consequence.

_____ 3.7.3 Identify Any Needed Mitigation Measures.

- ___ 3.8 Socio-Economic and Environmental Justice Issues.
 - ___ 3.8.1 Discuss Affected Environment.
 - ___ Discuss relevant issues such as if people are to be relocated, will the project promote growth, and the area's ability to accommodate population increases.
 - ___ Discuss if the project may pose disproportionately high and adverse human health or environmental effects to minority and low-income populations and how the project will affect nearby residents.
 - ___ If minority and low-income populations may be adversely affected, provide opportunities for these groups to provide input into the ER and NEPA process.
 - ___ For all projects request that the local USDA RD processing office provide a completed Form RECD 2006-38, "Civil Rights Impact Analysis Certification".
 - ___ 3.8.2 Discuss Environmental Consequence.
 - ___ 3.8.3 Identify Any Needed Mitigation Measures. Identify measures that would reduce any identified adverse human health of environmental effects to minority and low-income populations.
- ___ 3.9 Discuss Any Other Substantial Relevant Miscellaneous Issues. Items may include air quality, transportation, noise, solid waste management, zoning restrictions, construction, hazardous waste, energy impacts, vibrations, safety, earthquake or mudslide hazards, fire-prone areas, etc.
 - ___ Discuss if the CEQA requires a CEQA Categorical Exemption, CEQA Mitigated Negative Declaration or a CEQA Environmental Impact Report (EIR). To the extent possible, avoid duplication of effort by utilizing and referencing any available information in the CEQA document.
 - ___ Discuss the public awareness of this project. Discuss the results of any CEQA process, public hearing, or public information. Discuss any negative comments and the responses to these comments.
 - ___ 3.9.1 Discuss Affected Environment.
 - ___ 3.9.2 Discuss Environmental Consequence.
 - ___ 3.9.3 Identify Any Needed Mitigation Measures.

4.0 SUMMARY OF MITIGATION MEASURES:

- ___ If applicable attach any available or anticipated CEQA environmental findings, recommendations, and mitigation measures. Where possible, try to utilize the mitigation measures established by local government if they meet the objectives of CEQA, federal Executive Orders, USDA policies, and RUS policies and regulations.
- ___ List and discuss all required mitigation measures for this project needed to avoid or minimize adverse impacts. Mitigation measures listed will be included as special requirements or provisions to the offer of financial assistance.
- ___ Attach a mitigation measures implementation schedule. Be specific and describe why mitigation measures are needed, what must be implemented, when they must be implemented, and who will be responsible for implementation and monitoring.

5.0 CORRESPONDENCE AND COORDINATION:

- _____ Attach letters and documented telephone memorandums used to coordinate mitigation action and document findings.

6.0 EXHIBITS:

- _____ Attach maps, surveys, aerial photos, soil maps, etc., that are referenced or needed to explain and document the facts presented and their evaluation.
- _____ The local USDA RD processing office will provide to the preparer of the ER the following completed items. The preparer will insert these documents into the ER.
 - _____ Important Farmland Determination, including Form AD-1006.
 - _____ Form RECD 2006-38, "Civil Rights Impact Analysis Certification".
 - _____ FEMA Form 81-93, "Standard Flood Hazard Determination".
 - _____ SHPO consultation letters. Normally this letter is not needed since many RUS projects are exempt from SHPO review under the terms of the SHPO Programmatic Agreement (SHPO PA). The Applicant will provide a record search from the Information Center if requested by the local USDA RD processing office. If the Information Center requests an archeological survey the applicant will provide it if the local USDA RD processing office concurs that it is needed. Local USDA RD processing office will obtain SHPO consultation if the Information Center identifies historic properties in the area of potential effect, or the archeological survey identifies properties eligible for inclusion in the National Register.

LIST OF CONTACTS
FOR COMPLETING THE ENVIRONMENTAL REPORT

| Natural Resource | Recommended Initial Contact | Comments |
|---------------------------------|--|--|
| Wetlands | NRCS or USACE | Contact NRCS field office. Telephone number is available from the Natural Resource Conservation Service (NRCS) State Office (530) 792-5600, or by contacting the local USDA RD processing office. Contact U.S. Army Corp of Engineers (USACE) if a permit is needed. USACE number is (213) 452-3425 for the Los Angeles Office, and (916) 557-5250 for the Sacramento office. A private consultant may be needed to make determination if NRCS, USACE, or other experts will not or can not make a timely determination. |
| Floodplains | Federal Emergency Management Agency (FEMA) | Obtain a copy of the most current FEMA Federal Insurance Rate Map. To obtain a map call 1-800-358-9616 or check web at www.fema.gov/nfip/mpurfi.htm |
| Important Farmland | Local USDA RD processing office | Local USDA RD processing office will obtain or facilitate obtaining a farmland determination through the NRCS. |
| Prime Forestland | Local USDA RD processing office and NRCS | Only contact NRCS (through the local USDA RD processing office) if affected area is capable of growing a high volume of timber products. If the area obviously does not have this capacity then so indicate in the ER. Also, the area will not be considered prime forestland unless NRCS can and does make a determination. As needed, contact NRCS State Office (530) 792-5600, or the local USDA RD processing office to obtain the telephone number for the local NRCS field office. |
| Important Rangeland | No contact is needed. | The NRCS has indicated there are no officially designated important rangeland in California. |
| Endangered & Threatened Species | California Department of Fish and Game field office | Contact State Department of Fish and Game field office or use a biologist that meets the requirements of the U.S. Fish and Wildlife Service. <u>Contact USFWS (916) 414-6600 (Sacramento if a federally listed species or critical habitat may or will be affected, or if the potential for affect is unknown.</u> The USDA State Environmental Coordinator should be contacted if the USFWS requires formal consultation. See web site at www.fws.gov for list of USFWS offices. See web site at www.dfg.ca.gov for State Fish and Game headquarters and field offices phone numbers. Species list is found at http://endangered.fws.gov/wildlife.html or www.fws.gov/r9endspp/statl-ca.html . |
| Cultural Resource | Local USDA RD. Possibly the State's Regional Historic Resource Information Center offices and SHPO | First contact the local USDA RD processing office for direction to comply with the SHPO Programmatic Agreement. Only contact the State Regional Historic Resource Centers and SHPO if the local USDA RD processing office indicates the Programmatic Agreement requires their comments. SHPO telephone number is (916) 653-6624 and they have the telephone numbers for the regional historic information centers. Federally listed sites are on the web at www.cr.nps.gov/nr . |

| Natural Resource | Recommended Initial Contact | Comments |
|--------------------------|---|---|
| Tribal Cultural Resource | Contact affected tribes by utilizing the Bureau of Indian Affairs (BIA) | Tribes that may have an interest in the project area need to be consulted. To obtain phone numbers for tribes in northern California contact the BIA in Redding, CA (1) For tribes in central California contact BIA in Sacramento, CA at: 916-566-7100. For tribes in southern California contact BIA in Riverside, CA at 909-276-6624. (2) California Native American Heritage Commission, 915 Capital Mall, Room 364, Sacramento, CA 95814, phone 916-653-4082. (3) Native American Graves Protection and Repatriation Act (NAGPRA) Consultation Database search. The National Park Service NAGPRA Consultation Database can be accessed at http://www.cast.uark.edu/other/nps/nacd/ or call them at (202) 343-8161 |
| Sole Source Aquifers | Local USDA RD processing office | Contact U.S. Environmental Protection Agency (EPA) if project may affect or is located over an EPA designated sole source aquifer. EPA Region IX Ground Water Office's number is (415) 744-1890. Designated aquifers are in Santa Cruz county (Scott's Valley), San Diego county (Campo, Pine Valley, Potrero and portions of adjacent tribal reservations), Imperial county (one area near Ocotillo, Coyote Wells, Nomirage and Yuha Estates), Fresno (One large area near Fresno, Clovis, Kerman, Raisin City, Selma, and Sanger -- area bordered by (1) Fresno slough by-pass on the west, (2) San Joaquin River on the north, (3) Friant-Kern Canal on the east, and (4) the Kings River on the south.) |
| Water Quality | State Regional Water Quality Control Board | As needed contact Regional Water Quality Control Board offices. Telephone numbers available through their web site at www.swrcb.ca.gov/html/rwqcb.html . As needed, contact the State Department of Health Services (530) 224-4800 or the local county health agency if there is a drinking water quality issue. |
| Coastal Resource | State Coastal Commission or Regional Coastal Zone District | For projects in or affecting a coastal zone management areas call (415) 904-5200 to obtain the number for the local coastal commission district office. Coastal zone maps are soon expected to be available. |
| Wild and Scenic Rivers | National Park Service (NPS) or U.S. Forest Service | List of designated rivers is available at NPS web site www.nps.gov/rivers/wildriverslist.html |
| Federal Lands | Federal agency with control over the land | US Forest Service directory is available at www.fs.fed.us/intro/directory/rg-5.html US Forest Service forest maps are Available at www.r5.fs.fed.us/maps/ BLM directory is available at www.ca.blm.gov/directory.html BLM map is available at www.ca.blm.gov/nhp/facts/maps/landsmap_m.html |
| Other Resources | Check with local community and/or county planning offices. | |

ABBREVIATIONS AND DEFINITIONS

| | |
|-------------------------------|--|
| Applicant | Entity requesting USDA Rural Development financial assistance, or their consultant |
| CE | NEPA Categorical Exclusion |
| CEQA | California Environmental Quality Act |
| CFR | Code of Federal Regulations |
| DHS | Department of Health Services |
| EA | NEPA Environmental Assessment |
| ER | Environmental Report (required by USDA RD) |
| FEMA | Federal Emergency Management Agency |
| Final Public Notice | Final public notice issued by the Applicant relating to converting floodplain, wetland, farmland; or adversely affecting listed historic cultural resources. Final Public Notice usually has no public comment period unless EA had been substantially changed due to substantive public comments. |
| FONSI | Determination of Finding of No Significant Impact issued by the RUS Program Director |
| FONSI Notice | Public notice issued by the Applicant relating to USDA RD's determination of Finding of No Significant Impact relating to an EA. Usually, no public comment period. Issued with any required "Final Notice" and after public comment period for the "Notice of EA Availability". |
| HCD | California Department of Housing and Community Development |
| HUD | U.S. Department of Housing and Urban Development |
| LOC | Letter of Conditions (issued by USDA RD for financial assistance from RUS). |
| NAGPRA | Native American Graves Protection and Repatriation Act |
| NAHC | California Native American Heritage Commission |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| Notice of EA Availability | Public notice issued by the Applicant relating to EA availability for public review. It includes a 30-day comment period. May be combined with the "Preliminary Public Notice". |
| N/O | USDA RD/RUS National Office |
| NRCS | USDA Natural Resource Conservation Service |
| PER | Preliminary Engineering Report |
| Preliminary Public Notice | Initial public notice issued by the Applicant relating to converting floodplain, wetland, farmland, or adversely affecting listed historic cultural resources. 30 day comment period. For an EA it is combined with the "Notice of EA Availability". |
| RD/PO | Local USDA Rural Development processing office |
| RD | USDA Rural Development |
| RUS | Rural Utilities Service. (Source of funding used by USDA RD). |
| RUS Bulletin 1794A-602 | National "Guide for Preparing the Environmental Report for Water and Waste Projects" |
| RUS environmental regulations | 7 CFR Part 1794. Policies and procedures for implementing NEPA and other environmental regulations. |
| RUS SI | RUS Staff Instruction 1794-1, Agency administrative requirements. |
| SI | RUS Staff Instruction 1794-1 |
| SEC | State Environmental Coordinator (for USDA RD/RUS). |
| SHPO | California State Historic Preservation Officer |
| SHPO PA | SHPO Programmatic Agreement that outlines how USDA RD is to comply with the NHPA. See Exhibit D of this State Supplement |
| State Supplement | The RUS Environmental Bulletin 1794A-602, California State Supplement |
| SWRCB | California State Water Resource Control Board |
| USDA RD | USDA Rural Development. (Responsible for overseeing implementation of the RUS environmental regulations) |
| USDA | United States Department of Agriculture |
| USGS | United States Geological Service |

LOCATION OF RUS ENVIRONMENTAL AND ENGINEERING PROCEDURES AND FORMS

| Document's Name | If Needed, The Source For The Document Is: | Document Number In Website | Website |
|--|--|---|---|
| RUS Format For Preparing a Preliminary Engineering Reports | RUS Public Website | RUS Bulletins 1780-2, 1780-3, 1780-4, or 1780-5 | http://www.usda.gov/rus/water/regs.htm |
| 7 CFR 1794, RUS Policies and Procedures | RUS Public Website | 7 CFR 1794 | http://www.usda.gov/rus/water/regs.htm |
| RUS Environmental Bulletin 1794A-602, California State Supplement | Local USDA Rural Development Processing Office | | |
| RUS Staff Instruction 1794-1 | RUS Intranet | Dated 1-12-99 | http://rdintra.usda.gov/rus_doclib.nsf (USDA RD agency access only) |
| California RUS Staff Instruction 1794-1, Exhibits A through M | Local USDA Rural Development Processing Office | | |
| RUS Bulletin 1794A-602, National "Guide for Preparing the Environmental Report for Water and Waste Projects" | RUS Public Website | B 1794A-602 | http://www.usda.gov/rus/water/regs.htm |
| Flowchart of Subpart C - Classification of Proposals". | RUS Public Website | FC1794 | http://www.usda.gov/rus/water/regs.htm |
| RUS environmental forms and charts | RUS Intranet | Dated 1-12-99 | http://rdintra.usda.gov/rus_doclib.nsf (USDA RD agency access only) |

RUS web sites for general information:

1. <http://www.usda.gov/rus/> has information about the RUS program.
2. <http://www.usda.gov/rus/water/ees/index.htm> has information about USDA Rural Development State Environmental Coordinators and engineers.
3. <http://www.usda.gov/rus/water/ees/library.htm> contains numerous environmental regulations, statutes, executive orders and other environmental information.
4. <http://www.usda.gov/rus/regs.shtml> includes the RUS environmental regulation 7 CFR 1794 and RUS Bulletin 1794A-602, Guide for Preparing the Environmental Report for Water and Waste Projects".

Flowchart for Typical Environmental Process

NOTE: Activities that apply only to a Categorical Exclusion (CE) Action are preceded with an Activity Number starting with a CE.
Activities that apply only to a project requiring an Environmental Assessment (EA) are preceded with an Activity Number starting with EA.

| Activity Number (Write in estimated completion dates) | | Local USDA RD Processing Office Activity | Applicant Activity | Comments and Source For Additional Guidance |
|--|----------|--|--|---|
| For an EA | For a CE | | | |
| EA 1 | CE 1 | <p>A. Provide Applicant with a copy of "RUS Environmental Bulletin 1794A-602, California State Supplement" (State Supplement).</p> <p>B. Advise them of the availability of RUS Bulletin 1794A-602, and RUS Regulation 1794 on the RUS website previously mentioned.</p> | Take no actions that would limit environmental alternatives or cause adverse environmental impacts. | <p>Explain that RUS Bulletin 1794A-602, and RUS Regulation 7 CFR 1794 are for reference and are available on the web at address on the previous page. The information needed to complete the ER is contained in this State Supplement.</p> <p>See this State Supplement and RUS regulation 1794.15(a).</p> |
| EA 2 | CE 2 | Determine appropriate level of NEPA review, i.e., if the proposed action is a Categorical Exclusion (CE) or an Environmental Assessment (EA) is required. | Provide description of project and area to the local USDA Rural Development processing office (RD/PO) | <p>The RUS State Environmental Coordinator (SEC) should concur in this threshold determination.</p> <p>Procedural reference is RUS Regulations 1794.22(b) <u>and</u> (c), 1794.31(b) and 1794.23(b); RUS Staff Instruction 1794-1, par. 3.2; and RUS Bulletin 1794A-602, par. 2.2.</p> <p>See the RUS four page "Flowchart of Subpart C - Classification of Proposals" for assistance in making this determination. This flow chart is document number "FC 1794" on website http://www.usda.gov/rus/water/regs.htm</p> |
| EA 3 | CE 3 | Advise the Applicant if the ER is to be prepared to meet the requirements of a CE or an EA. Tell the Applicant, which exhibit (Exhibit A, B, or C) in this State Supplement is to be completed and submitted to USDA Rural Development. Exhibit C can not be used if SWRCB, DHS or HCD funds are part of the project. | <p>A. Initiate preparation of an ER in accordance with the appropriate exhibit in this State Supplement.</p> <p>B. A Preliminary Engineering Report (PER) should be prepared at same time but ER should be a separate stand-alone document from the PER.</p> | <p>Procedural references are in this State Supplement and RUS Bulletin 1794A-602, par. 1.3.</p> <p>The PER must comply with RUS Bulletin 1780-2, 1780-3, 1780-4, or 1780-5 as applicable. This document is on website http://www.usda.gov/rus/water/index.htm</p> |
| EA 4 | CE 4 | Work closely with the Applicant in providing information and guidance during the completion of the ER. | | Procedural references are RUS Staff Instruction 1794-1, par. 2.2, 3.4 and 3.5. |

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| EA 5 | CE 5 | Determine from Applicant if the project will (1) convert important farmland; (2) have its facilities (not including utilities) located in floodplain or wetland; or (3) adversely impact historic cultural resources. | Provide maps of the area showing the project and other information for making this determination. | See the next four "Activity Numbers" CE 6 through CE 9 or EA 6 through EA 9 for documentation. If these resources are converted/affected public notices and mitigation measures are needed as noted below. |
| EA 6 | CE 6 | Using Form AD-1006, with input from NRCS, make an Important Farmland Determination and provide the determination form to the Applicant. | Incorporate Form AD-1006 into the ER as an exhibit. Avoid the conversion of farmland unless there are no practical alternatives. If impacted, provide appropriate mitigation measures. | Procedural reference is page 3 of this State Supplement. |
| EA 7 | CE 7 | Complete Form RECD 2006-38, "Civil Rights Impact Analysis Certification" and provide it to the Applicant. | Incorporate Form RECD 2006-38 into the ER as an exhibit. Avoid adversely impacting areas because they are minority or low income areas. | Procedural reference is page 3 of this State Supplement. |
| EA 8 | CE 8 | Complete Form 81-93, "Standard Flood Hazard Determination" and provide it to the Applicant. | Provide a FEMA floodplain map or copy to the local USDA RD processing office. Incorporate Form 81-93 into the ER as an exhibit. Avoid the conversion of floodplains or wetlands unless there are no practical alternatives. If impacted, provide appropriate mitigation measures. | Procedural reference is page 3 of this State Supplement. |
| EA 9 | CE 9 | Advise applicant if Information Center review or if an archeological survey is needed per terms of our SHPO Programmatic Agreement (SHPO PA). Obtain and provide our SHPO consultation letter to the Applicant ONLY if required by the SHPO PA. NOTE: Usually this is not needed per terms of the SHPO PA. | Provide any required archeological survey or Information Center reviews required under the terms of the SHPO PA. Avoid adverse impacts to listed historic property. If impacted, provide appropriate mitigation measures. If provided by RD/PO, incorporate any SHPO consultation document into the ER as an exhibit. | Procedural reference is page 3 of this State Supplement. |
| | CE 10 | A. If the project is a Categorical Exclusion (CE) action, initiate the "preliminary public notice" with its 30 day public comment period as soon as impacts to the previously mentioned resources can be defined. Do not wait for the ER to be accepted by RUS. Check with the SEC to see if any unique additional public notice requirements are needed. B. Provide the sample notice to Applicant. | Publish any required "Preliminary Public Notice". Have the local processing office review the notice before it is published. Provide a proof of publication to the RD/PO. | All public notices will be newspaper public notices unless otherwise approved by the SEC. See summary public notice charts in Exhibit I of State Supplement. The preliminary notice's format is in "Exhibit J - Preliminary Notice for Categorical Exclusion" and is contained in CA RUS Staff Instruction 1794-1. There is a 30-day public comment period. RD/PO is to document the completion of the public notice process on CA RUS Staff Instruction 1794-1, Exhibit H. Procedural reference is RUS Regulation 1794.13. |

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| | CE 11 | <p>A. Evaluate and comment on any public comments received.</p> <p>B. Work with the Applicant to resolve issues and modify the ER if appropriate.</p> <p>C. Initiate a "Final Public Notice" if project has facilities located in a floodplain or wetland, or project adversely impacts historic cultural resources. NOTE: Important farmland does not require a final notice. Check with the SEC to see if any unique additional public notice requirements are needed.</p> | <p>A. Publish any required "Final Public Notice" after 30 day of first publication of the "Preliminary Public Notice". Have the RD/PO review the notice before it is published.</p> <p>B. Provide proof of publication to the RD/PO.</p> | <p>All public notices will be newspaper public notices unless otherwise approved by the SEC.</p> <p>See summary public notice charts in Exhibit I of State Supplement. The final notice's format is in "Exhibit K - Final Notice for Categorical Exclusion" and is contained in CA RUS Staff Instruction 1794-1. There is no public comment period.</p> <p>RD/PO is to document the completion of the public notice process on CA RUS Staff Instruction 1794-1, Exhibit H.</p> <p>Procedural reference is RUS Regulation 1794.13.</p> |
| EA 10 | CE 12 | | <p><u>Applicant completes ER.</u></p> <p>A. IF the Action is a NEPA Categorical Exclusion and a CEQA document is available, Applicant completes <u>Exhibit A</u> of this State Supplement.</p> <p>B. IF the Action requires a NEPA Environmental Assessment and a CEQA document is available, Applicant completes <u>Exhibit B</u> of this State Supplement.</p> <p>C. IF no CEQA document will be available prior to funding the project, the Applicant completes <u>Exhibit C</u> of this State Supplement.</p> | <p>See <u>Exhibit A</u> of this State Supplement. Procedural references are RUS Regulations 1794.7(b) and 1794.32(b).</p> <p>See <u>Exhibit B</u> of this State Supplement. Procedural references are RUS Regulations 1794.7(b) and 1794.41.</p> <p>See <u>Exhibit C</u> of this State Supplement. Procedural references are RUS Regulations 1794.7(b) and, 1794.32(b) or 1794.41.</p> |
| EA 11 | CE 13 | | <p>Submit two copies of the completed ER to RD/PO. Append back-up documentation and any public comments received.</p> | <p>Procedural references are RUS Regulations 1794.13(a)(3), 1794.7(b) and 1794.41.</p> |

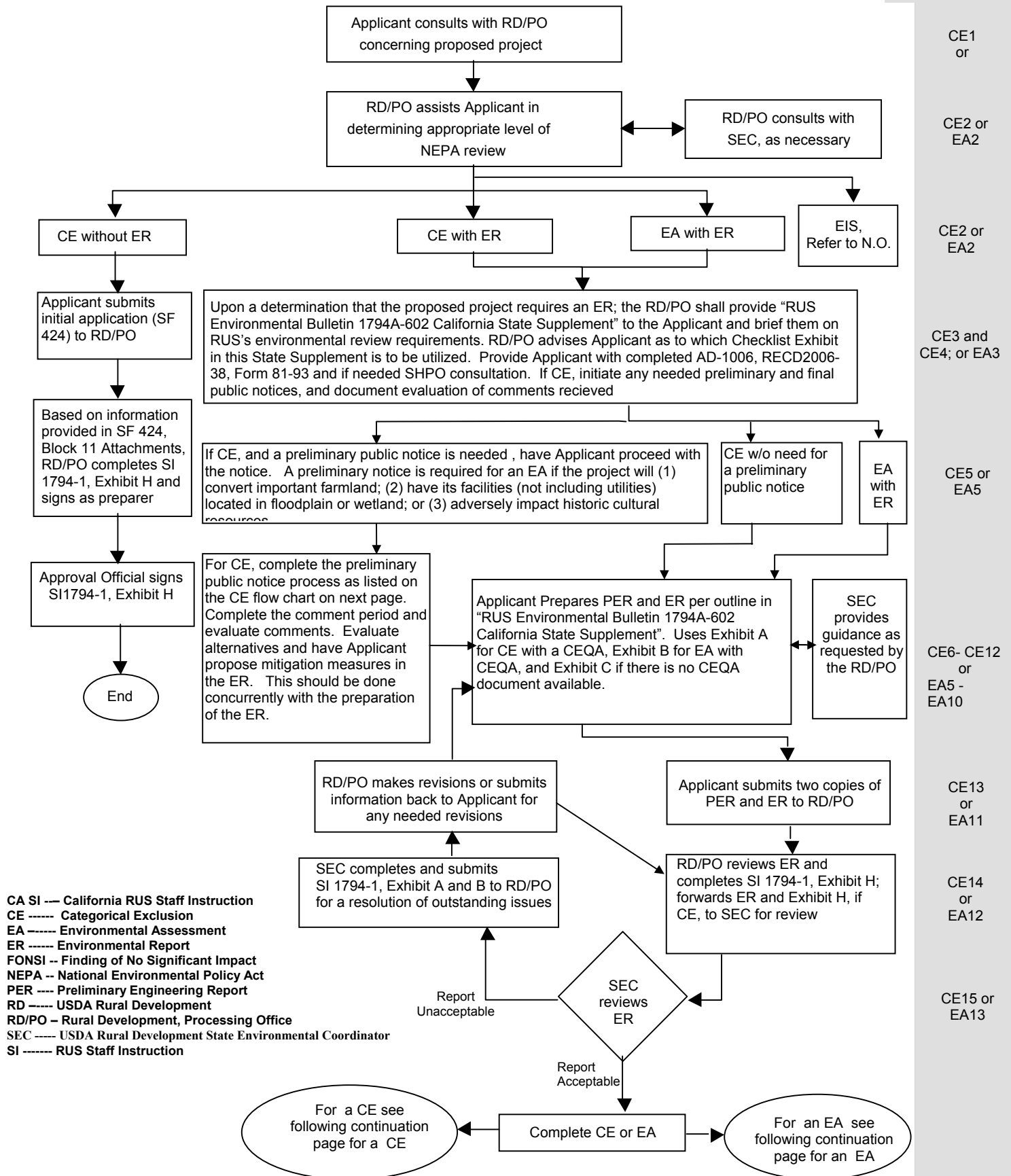
| | | | | |
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| EA 12 | CE 14 | <p>A. Independently evaluate the ER to assure that the ER addresses all applicable environmental issues. Attach public comments and RD/PO's response to comments to the ER</p> <p>B. Complete, sign and initial Exhibit H, California RUS Staff Instruction 1794-1.</p> <p>C. Forward completed Exhibits A through H of California RUS Staff Instruction 1794-1 to the SEC.</p> | | <p>Procedural references are RUS Regulations 1794.41 CA RUS Staff Instructions 1794-1, Exhibit A and H.</p> <p>RD/PO is to document the completion of any required public notice on CA RUS Staff Instruction 1794-1, Exhibit H.</p> |
| | CE 15 | If the SEC notifies RD/PO of deficiencies, RD/PO is to follow-up and resubmit ER. | | <p>The SEC reviews the ER and Exhibit H California RUS Staff Instruction 1794-1. The SEC uses Exhibits A and B to California RUS Staff Instruction 1794-1 to notify RD/PO of deficiencies, or accepts the ER by signing Exhibits A and H.</p> <p>Procedural references are CA RUS Staff Instructions 1794-1, Exhibits A, B and H.</p> |
| | CE 16 | | | <p>The SEC signs and forwards Exhibit H California RUS Staff Instruction 1794-1 to RUS Program Director to sign and approve Exhibit H. 30-day preliminary notice, if required, must have expired prior to signing.</p> <p>Procedural reference is CA RUS Staff Instructions 1794-1, Exhibit A and H.</p> |
| | CE 17 | | | <p>The RUS Program Director signs and approves Exhibit H of California RUS Staff Instruction 1794-1. This is done after the 30-day preliminary notice comment period has expired, if required.</p> <p>Procedural reference is CA RUS Staff Instructions 1794-1, Exhibit A and H.</p> |
| EA 13 | | If the SEC notifies RD/PO of deficiencies, RD/PO is to follow-up and resubmit ER. | | <p>A. The SEC accepts the ER as our EA by signing Exhibit A of California RUS Staff Instruction 1794-1.</p> <p>B. The SEC uses Exhibits A, B and C of California RUS Staff Instruction 1794-1 to notify RD/PO of acceptance of ER as our EA, to advise of any deficiencies to be corrected and to notify RD/PO of public notices needed and these actions</p> <p>CA RUS Staff Instruction 1794-1, Exhibits A, B, and C and 1794.41.</p> |

| | | | | |
|-------|-------|---|---|---|
| EA 14 | | For actions requiring an EA, initiate the preliminary public notices concurrently with the public "Notice of Availability Environmental Assessment". Both have a 30 day (from first publication date) public comment period. A preliminary notice is only required for an EA if the project will (1) convert important farmland, (2) have its facilities (not including utilities) located in floodplain or wetland, or (3) adversely impact historic cultural resources. These notices can be done separately, but we recommend that they be combined. | <p>A. Publish public Notice of Availability of Environmental Assessment, and if required the Preliminary Public Notice. Have the RD/PO review the notice before it is published.</p> <p>B. Provide proof of publication to RD/PO.</p> | <p>All public notices will be newspaper public notices unless otherwise approved by the SEC.</p> <p>See summary public notice charts in Exhibit I of State Supplement. The notice's format is in "Exhibit L – Environmental Assessment Notice of Availability, or Combined Notice of Availability and Preliminary Notice" and is contained in CA RUS Staff Instruction 1794-1. There is a 30-day public comment period.</p> <p>RD/PO is to document the completion of the public notice process on CA RUS Staff Instruction 1794-1, Exhibit H.</p> <p>Procedural reference is RUS Regulation 1794.13 and 1794.42.</p> |
| EA 15 | CE 18 | If a floodplain preliminary notice was required or if the project involves conversion of a floodplain, construction on new facilities in a floodplain, or the continued use of project related facilities in a floodplain; complete and send Private Party Floodplain Notice (Exhibit G of California RUS Staff Instruction 1794-1). | | <p>Procedural references are Exhibits F and G of California RUS Staff Instruction 1794-1.</p> <p>RD/PO is to document the completion of any required public notice on CA RUS Staff Instruction 1794-1, Exhibit H.</p> |
| EA 16 | CE 19 | Included required mitigation measures in the draft copy of the LOC. | Applicant provides a schedule for completing the mitigation measures. Applicant accomplishes all mitigation measures at the appropriate time (prior to project completion). The mitigation schedule is to be part of the ER/EA. | Procedural reference is RUS Regulations 1794.17(b). |
| EA 17 | | <p>A. If not already done, evaluate and comment on any public comments received.</p> <p>B. Work with the Applicant to resolve issues and modify ER if appropriate.</p> | | <p>All public notices will be newspaper public notices unless otherwise approved by the SEC.</p> <p>See public notice charts in RUS Bulletin 1794A-602, and Sections 5.1 and 5.3 for CE actions. Ignore the flow charts in these sections.</p> <p>See "Exhibit B - Sample Public Notice, Final Notices for Categorical Exclusion" in RUS Bulletin 1794A-602, page 47. Procedural reference is RUS Regulations 1794.13.</p> |
| EA 18 | | <p>A. Submit ER, environmental file, public comments and responses to the file relating to comments, and any other environmental information to the SEC.</p> <p>B. Submit filled out Exhibits A through H of California RUS Staff Instruction 1794-1 to the SEC.</p> | | <p>A. The SEC reviews environmental documentation and signs Exhibit D of California RUS SI, "Recommendations of a Finding of No Significant Impact".</p> <p>B. The SEC forwards signed Exhibit D and environmental file to RUS Program Director.</p> <p>Procedural reference is CA RUS Staff Instructions 1794-1, Exhibit D.</p> |

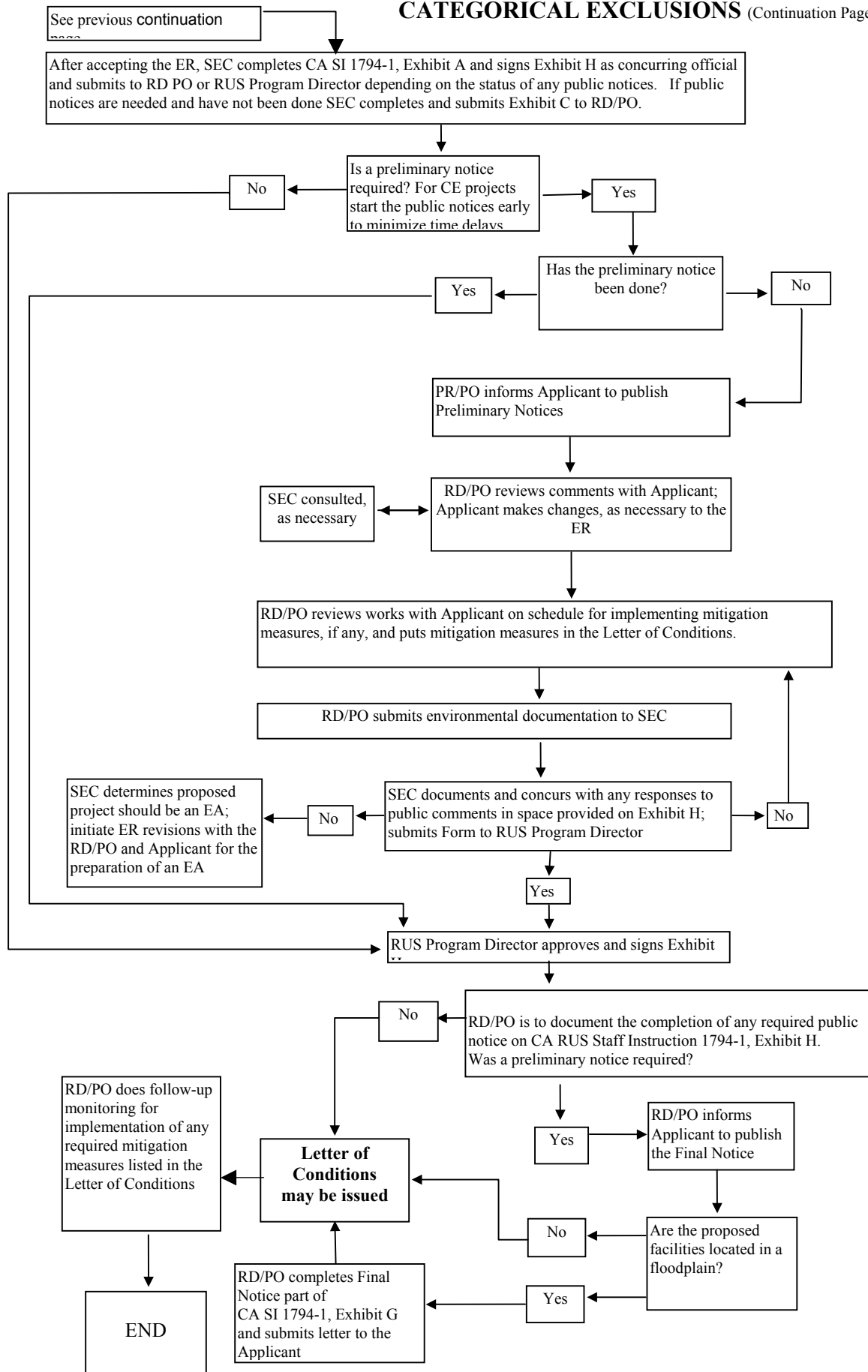
| | | | | | |
|-------|-------|--|--|---|---|
| EA 19 | | | | | The RUS Program Director signs Exhibit E of California RUS SI, "Finding of No Significant Impact" (FONSI). Procedural reference is RUS SI 1794-1, Exhibit E. |
| EA 20 | | | | | A. The RUS Program Director signs Exhibit F of California RUS SI 1794-1. B. The RUS Program Director uses Exhibit F to notify RD/PO that a FONSI was issued and that RD/PO is to notify the Applicant to issue the FONSI/Final Public Notice. Procedural references are 1794.42 and RUS SI 1794-1, Exhibit F. |
| EA 21 | | | For an EA, notify Applicant to publish the FONSI public notice. If the project has components located in a floodplain or wetland, or project adversely impacts historic cultural resources issue a combined FONSI notice and "Final Notice". NOTE: Important farmland does not require a "final notice". | A. After 30 day of first publication of the combined "preliminary notice" and "notice of EA availability", publish any required final public notice. B. Have the RD/PO review the notice before it is published. | See summary public notice charts in Exhibit I of State Supplement. The preliminary notice's format is in "Exhibit M - FONSI Notice for an Environmental Assessment or Combined FONSI and FINAL Notice" and is contained in CA RUS Staff Instruction 1794-1. There is no waiting period after these notices unless the SEC determines there were substantive comments on the previous notices, and the EA was significantly modified. The SEC may direct an additional 15-day comment period. RD/PO is to document the completion of the public notice process on CA RUS Staff Instruction 1794-1, Exhibit H. All public notices will be newspaper public notices unless otherwise approved by the SEC. Procedural reference is RUS Regulation 1794. |
| EA 22 | CE 20 | | Required mitigation measures are included in the LOC. | Applicant provides a schedule for completing the mitigation measures. Applicant accomplishes all mitigation measures at the appropriate time and prior to project completion. This should be part of the ER/EA. | Procedural reference is RUS Regulations 1794.17(b)(2). |
| EA 23 | CE 21 | | USDA RD may approve the funding after above process has been completed and any required review comment periods have expired. | | Procedural references are RUS Regulations 1794.44 and RUS Bulletin 1794A-602, par. 1.5. RD/PO is to document the completion of required public notices on CA RUS Staff Instruction 1794-1, Exhibit H. |
| EA 24 | CE 22 | | RD/PO does follow-up post construction monitoring of any required mitigation measures. If project changes prepare a supplement to the EA. | | Procedural references are RUS Regulations 1794.17(b)(3) and RUS Bulletin 1794A-602, par. 1.6. |

CALIFORNIA SUMMARY FLOWCHART FOR RUS 7 CFR 1794 ENVIRONMENTAL POLICES AND PROCEDURES

Number below
corresponds with
previously listed
"Activity Number"



CATEGORICAL EXCLUSIONS (Continuation Page)



Number below corresponds with "Activity Number"

CE15 -
CF16

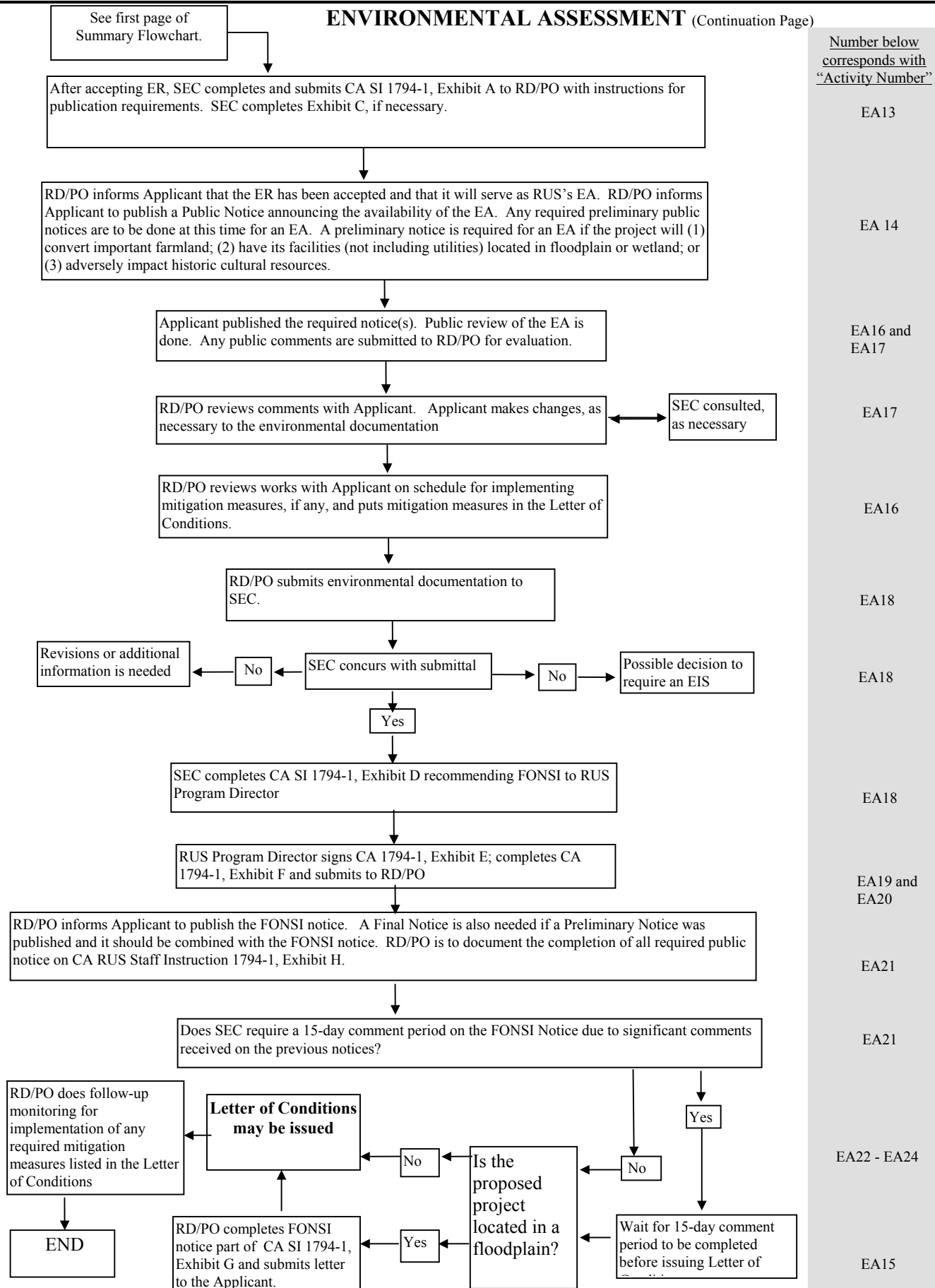
CE5, CE10
and CE11

CE19

CE17

CE11

CE18, CE20,
CE21 and
CE22



RUS PUBLIC NOTICE REQUIREMENTS

| Categorical Exclusion | | | | |
|--|------------------------------------|--|--------------------------------|--|
| Public Notice Requirements | | | | |
| Proposed Conversion of Resource | Preliminary Notice Required | Review Comment Period ³ (days) | "Final Notice" Required | Review Comment Period ³ (days) |
| None | No | N/A | No | N/A |
| Important Farmland ¹ | Yes | 30 | Yes | 0 |
| Wetland ⁴ | Yes | 30 | Yes | 0 |
| Floodplains ⁴ | Yes | 30 | Yes | 0 |
| Cultural Resources ² | Yes | 30 | Yes | 0 |
| <ol style="list-style-type: none"> Includes Important Farmland (as defined by DR 9500-3) For Cultural Resources in the context of the NHPA, the term "converted" refers to an "adverse effect. Comment periods are calculated from the date of the first publication. The term conversion excludes work relating to utility lines, i.e., utility line work does not require a public notice if the area is restored to its original condition. | | | | |

| Environmental Assessment | | | | | | |
|--|--|---|--|---------------------------------|---|--|
| Public Notice Requirements | | | | | | |
| | Environmental Assessment Notice | | | FONSI Notice | | |
| Proposed Conversion of, Locating Facilities in, or Adverse Impact to the Listed Resource | Standard Notice of Availability | Also, Include the Preliminary Notice | Review Comment Period ⁴ (days) | Standard EA FONSI Notice | Also, Include the "Final Notice" | Review Comment Period ^{4,5} (days) |
| None of the below | Yes | No | 30 | Yes | No | 0 or 15 |
| Important Farmland ¹ | Yes | Yes | 30 | Yes | Yes | 0 or 15 |
| Wetlands ² | Yes | Yes | 30 | Yes | Yes | 0 or 15 |
| Floodplain ² | Yes | Yes | 30 | Yes | Yes | 0 or 15 |
| Cultural Resource ³ | Yes | Yes | 30 | Yes | Yes | 0 or 15 |
| <ol style="list-style-type: none"> Includes Important Farmland (as defined by DR 9500-3). Refers to a proposal (excluding utility lines) located in a wetland or floodplain, i.e., utility line work does not require a public notice if the area is restored to its original condition. An adverse affect for Cultural Resources is defined in the context of the NHPA. Review comment period is calculated from the date of the first publication. An additional 15-day review comment period is only necessary if substantive comments have been received and the EA has been significantly amended. This determination is made by the Rural Development State Environmental Coordinator. | | | | | | |

NOTE: Samples of the content for these notices are contained in Section 5 of RUS Bulletin 1794A-602, National "Guide for Preparing the Environmental Report for Water and Waste Projects". This document is available on the RUS Public Website at <http://www.usda.gov/rus/water/regs.htm>. Click on B 1794A-602. The RD/PO will provide a copy of the sample notice and guidance for its use. The RD/PO should review the public notice before it is published.

NOTE: The Rural Economic and Community Development Services is currently known as USDA Rural Development.

PROGRAMMATIC AGREEMENT

AMONG

**THE RURAL ECONOMIC AND COMMUNITY DEVELOPMENT SERVICES,
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE IMPLEMENTATION OF THE
RURAL ECONOMIC AND COMMUNITY DEVELOPMENT SERVICES'
PROGRAMS IN CALIFORNIA**

WHEREAS, the California Offices of the Rural Economic and Community Development Services (RECDS) is authorized under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921, as amended) and the Housing Act of 1949 (42 U.S.C. 1471, as amended) to carry out various activities and programs assisting rural development; and

WHEREAS, the RECDS has determined that the implementation of its activities and programs may have an effect on properties that are listed in or eligible for inclusion in the National Register of Historic Places (National Register), and has consulted with the Advisory Council on Historic Preservation (Council) and the California State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations, 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act 16 U.S.C. 470f; and

WHEREAS, many of RECDS' programs and activities subject to compliance with Section 106 of the National Historic Preservation Act have a minimal potential to affect historic properties;

NOW, THEREFORE, the RECDS, the Council, and the SHPO agree that the RECDS shall administer the subject activities and programs in accordance with the following stipulations to satisfy their Section 106 responsibilities for individual undertakings.

STIPULATIONS

The RECDS shall ensure that the following measures are carried out:

I. APPLICABILITY

This Programmatic Agreement (PA) outlines procedures which will substitute for the Section 106 process outlined in the Council's regulations, 36 CFR Part 800, for all RECDS undertakings. This PA does not apply to the Housing Preservation Grants program, that is addressed in a separate agreement between the FmHA, the Council, and the National Conference of State Historic Preservation Officers executed in 1986, and which still applies to the Housing Preservation Grants now administered by the RECDS.

II. DEFINITIONS

A. The definitions included in the Council's regulations at 36 CFR 800.2 apply to this PA, and selected definitions are set out in this Stipulation for reference:

1. **UNDERTAKING** means any project, activity, or program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects. The

project, activity, or program must be under the direct or indirect jurisdiction of the RECDS; or licensed, or assisted by the RECDS to be covered by this PA. Undertakings include new and continuing projects, activities, or programs, and any of their elements.

2. AREA OF POTENTIAL EFFECT (APE) means the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist.

3. HISTORIC PROPERTY means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register.

4. INDIAN TRIBES means the governing body of any Indian tribe, band, nation, or other group that is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for that entity or its members.

B. Other selected definitions included for reference have been set out or are implicit in the descriptions of the participants in the Section 106 process included in 36 CFR 800.1(c):

1. INTERESTED PERSONS are those organizations and individuals that are concerned with the effects of an undertaking on historic properties. For purposes of this PA, Indian tribes shall be described as interested persons, but retain the rights to participate in the Section 106 review detailed in this PA pursuant to 36 CFR 800.1(c)(ii).

2. APPLICANTS for RECDS assistance include private individuals, businesses, not-for-profit groups, and public agencies that are applying for financial assistance or approval actions from the RECDS. The requested assistance or approvals may relate to housing, small rural businesses, or rural community facilities and infrastructure improvements. RECDS may request that the Applicant prepare the necessary information and analyses to fulfill the requirements of this PA, and may permit the Applicant to consult with the SHPO to define and perform the RECDS's identification efforts under Stipulation V.A.

III. IDENTIFICATION OF UNDERTAKINGS AND THE AREA OF POTENTIAL EFFECTS

The RECDS shall determine if the activity it intends to permit, fund, or carry out constitutes an undertaking. If the RECDS determines that an activity is an undertaking, it shall establish the APE for each undertaking. The APE will be redefined, if needed, to include the entire historic structure, site, or object, when any portion of that structure, site, or object, is within an APE.

IV. PROGRAM ACTIVITIES AND INDIVIDUAL PROJECTS EXEMPT FROM SHPO OR COUNCIL REVIEW

A. For purposes of this PA, the RECDS has reviewed the current programs, projects, and activities in consultation with the SHPO and the parties have agreed that the undertakings and activities included in Appendix A of this PA will not be reviewed by the SHPO or Council pursuant to Section 106. RECDS will report such activities to the SHPO under the process outlined in Stipulation IX. of this PA. RECDS is not required to determine an APE for programs, projects, or activities listed in Appendix A.

B. If RECDS determines that a proposed undertaking is not exempt from review pursuant to Stipulation IV. A., it will request a records search from the appropriate Information Center of the California Historical Resources File System (Information Center) to identify historic properties that may be located in the APE. If the Information Center does not identify historic properties in the APE and: 1) does not recommend that RECDS perform an archeological survey; or 2) if RECDS performs the archeological survey recommended by the Information Center and does not identify properties that may be eligible for inclusion in the National Register, then RECDS may determine that no historic properties are located in the APE, document the finding, and proceed with the undertaking without review by the SHPO or Council.

V. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

A. If the Undertaking is not exempted from review pursuant to Stipulation IV. A. or RECDS determines that historic properties may be located in the APE pursuant to Stipulation IV. B., RECDS or the Applicant acting on

RECDS' behalf shall consult with the appropriate Information Center and Interested Persons to identify historic properties within the APE. These identification efforts shall extend to all buildings, structures, objects, archeological sites, and sites that may have special importance to Native Americans or other Interested Persons and that appear to be fifty (50) or more years old. RECDS will assess the recommendations of the Information Center and conduct any surveys that RECDS determines necessary. RECDS will forward the information to the SHPO regarding the basis and results of the RECDS's identifications efforts with its determination of National Register eligibility pursuant to Stipulation V.B.

B. The RECDS shall evaluate each property identified pursuant to Stipulation V. A. by applying the National Register Criteria, 36 CFR 60.4, in consultation with the SHPO to each property within the APE. The RECDS shall notify the SHPO in writing of its determination regarding the National Register eligibility, and the SHPO shall, within thirty (30) days, notify the RECDS if it agrees or disagrees with its determination. The SHPO may request that the RECDS reevaluate a previously evaluated property if warranted by the passage of time or changing perceptions of significance.

C. If the RECDS and SHPO do not agree on the National Register eligibility of a property, or if the Council or the Secretary of the Interior request, the RECDS shall obtain a determination from the Secretary of the Interior pursuant to applicable National Park Service regulations.

VI. ASSESSMENT OF EFFECTS TO HISTORIC PROPERTIES

A. The RECDS shall apply the Criteria of Effect and Adverse Effect, in accordance with 36 CFR 800.9 to all Historic Properties located in the APE. This consultation with the SHPO should take place as early as possible in the planning stages of the undertaking, when the widest range of project alternatives is open for consideration. The RECDS will provide the SHPO with a full description of the undertaking and its possible effects to Historic Properties, including maps, photographs, drawings, archaeological site records and reports, and the views of the Applicant, affected local governments, Indian tribes, Federal agencies, interested persons, and the public as appropriate:

1. If the RECDS determines that an undertaking will have No Effect on historic properties, the RECDS will notify the SHPO in writing of this finding. If the SHPO does not object to the finding within fifteen (15) days, the undertaking may proceed without further review.
2. If the RECDS determines that an undertaking will not adversely affect a historic property or the undertaking meets one of the exceptions to the Criteria of Adverse Effect, 36 CFR 800.9(c), the RECDS will notify the SHPO of the finding. If the SHPO does not object to the finding within thirty (30) days, the undertaking may proceed without further review.
3. The RECDS shall consult further with the SHPO or Council, as appropriate, if: (a) any person requests that the Council review RECDS findings in accordance with 36 CFR 800.6(e); (b) the undertaking changes in ways that could affect historic properties; (c) previously undocumented historic properties are discovered during the implementation of the undertaking or if a known historic property will be affected in an unanticipated manner; (d) a historic property that was to be avoided has been inadvertently or otherwise affected; or (e) any condition of the undertaking; such as a delay in implementation or implementation in phases over time, may justify reconsideration of the current National Register status of historic properties within the APE.
4. If RECDS determines that the project will adversely effect a historic property, it will determine if the property will be treated according to the Standard Mitigation Measures set in Stipulation VII. or if the consultation process set out in 36 CFR 800.5(c) should be followed and will notify the SHPO in writing of its decision. The consultation process set out in 36 CFR 800.5(e) will be followed and RECDS will provide the Council with an adverse effect notice if:
 - a. RECDS determines not to implement the standard mitigation measures;
 - b. the SHPO withdraws from consultation;
 - c. the undertaking will adversely affect a National Historic Landmark;
 - d. the undertaking has known public opposition relating to historic properties;

- e. the undertaking may affect a historic property containing human remains;
- f. the SHPO objects in writing within thirty (30) calendar days after receipt of RECDS's notice that it will proceed with the Standard Mitigation Measures; or
- g. the SHPO determines that the effects of an undertaking cannot be adequately addressed by the Standard Mitigation Measures set out below.

VII. STANDARD MITIGATION MEASURES

A. A Standard Mitigation Measures Agreement (SMMA) will be developed according to the following procedures:

1. RECDS, SHPO, the Applicant and other interested parties, if appropriate, shall consult to develop a written agreement that establishes the mitigation and recordation measures, such as but not limited to the salvage, storage, and reuse of any significant architectural features that may otherwise be demolished. The Council will not be a party to this agreement. The SMMA shall be signed by RECDS, SHPO, and other consulting parties, including the Applicant, to acknowledge that all specified measures shall be fulfilled as a condition of RECDS assistance. An SMMA shall include one or more of the following measures, modified as necessary, to consider the effects of the specific undertaking:

- a. Recordation: RECDS shall ensure that the historic property is recorded prior to its demolition or alteration according to a Recordation Plan developed in consultation with the SHPO. At a minimum this plan will establish recordation methods and standards, and designate the appropriate archives for the deposit of this material. RECDS and the SHPO may mutually agree to waive the recordation requirement if the affected historic property will be rehabilitated in substantial, although not complete conformance with the Standards.
- b. Curation: If the property will be demolished, RECDS, the SHPO, and the property owner will consult to determine if the property contains significant architectural features that could be reused or curated. If such features exist, RECDS, the SHPO, and the property owner will develop measures to ensure that the selected features are removed in a manner that minimizes damage and are delivered to an appropriate party for curation or reuse.
- c. Data Recovery: If an archeological property will be affected by the undertaking, RECDS, the SHPO, and the property owner will consult to develop a data recovery plan consistent with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 44734-37) and take into account the Council's publication, "Treatment of Archeological Properties."

VIII. DISCOVERIES AND UNFORESEEN EFFECTS

A. The RECDS should plan for discoveries made during project implementation, particularly when an undertaking will take place within an area where buried archaeological deposits may be encountered. Such discovery plans shall be prepared in consultation with the SHPO and interested Native American groups and shall be submitted to the SHPO for review and approval prior to the commencement of the undertaking.

B. If the RECDS completes the review process established by this Programmatic Agreement and finds, after implementing the undertaking, that it will affect a previously unidentified property that may be eligible for inclusion in the National Register or will affect a known historic property in an unanticipated manner, the RECDS shall direct the Applicant to take all reasonable measures to avoid or minimize harm to the property until the RECDS concludes consultation with the SHPO. If the newly discovered property has not previously been included in or determined eligible for the National Register, the RECDS may assume that the property is eligible for purposes of this PA. The RECDS will notify the SHPO at the earliest possible time of the discovery and will coordinate with the Applicant to develop actions that will take the effects of the undertaking into account. The RECDS will notify the SHPO of any time constraints, and the RECDS and SHPO will mutually agree upon the timeframe for this consultation. The RECDS will provide the SHPO with written recommendations reflecting its consultation with the SHPO. If the SHPO does not object to the RECDS' recommendations within the agreed upon timeframe, the RECDS will ensure that the Applicant modifies the scope of work as necessary to implement the recommendations.

IX. REPORTING

A. The RECDS will notify the SHPO of its determinations made under Stipulation IV. A. and B. through its NEPA Finding of No Significant Impact (FONSI) public notification process, as required by RECDS' environmental procedures contained in FmHA Instruction 1940-G. If the SHPO does not notify RECDS within fifteen (15) days that it disagrees with the FONSI, RECDS may proceed with the undertaking.

B. The RECDS shall provide the SHPO and the Council with an initial biannual report on November 30, 1997 that summarizes the actions taken to implement the terms of this PA and recommends any action or revisions that should be considered during the next reporting period. The parties will review this information to determine if amendments to the PA are necessary. Subsequent reports will be developed by RECDS at the request of the Council.

X. PUBLIC INVOLVEMENT AND RESOLVING PUBLIC OBJECTIONS

A. The RECDS shall develop a public participation program in accordance with the guidance contained in the Council's publication, "Public Participation in Section 106 Review: A Guide for Agency Officials" (February 1989) to effectively notify and involve the public and interested persons in undertakings that may affect historic properties. The public participation program shall be incorporated into the RECDS' existing public involvement procedures. The RECDS shall consult with the Council and the SHPO to help develop this program, and will provide the Council and the SHPO with an opportunity to review and comment on the program.

B. At any time during the implementation of the measures contained in this PA should an objection to any such measure or the manner in which it is implemented be raised by a member of the public, the RECDS shall consult with the objecting party, the SHPO, and the Council, as to address the objection. If the objection pertains to the RECDS' decision to implement standard mitigation measures pursuant to Stipulation VII. above, the RECDS shall terminate the abbreviated consultation process and initiate consultation with the SHPO and the Council pursuant to 36 CFR 800.5(e).

XI. DISPUTE RESOLUTION

Should the SHPO or the Council object within the timeframes provided by this PA to any plans, specifications, or other documentation provided for review pursuant to this PA, the RECDS shall consult with the SHPO or the Council to resolve the objection. If the RECDS determines that the objection cannot be resolved, the RECDS shall forward all documentation regarding the dispute to the Council. Within thirty (30) days of receipt of the documentation, the Council will either (1) provide the RECDS with recommendations which the RECDS will take into account in reaching a decision on the dispute, or (2) notify the RECDS that it will comment pursuant to 36 CFR 800.6(b), and proceed to comment. Any Council recommendation or comment will be understood to pertain only to the dispute, and the RECDS's responsibility to carry out all actions under this PA that are not the subject of the dispute will remain unchanged.

XII. ANTICIPATORY DEMOLITION

The RECDS agrees that it will not grant assistance to an Applicant who, with the intent to avoid the requirements of this PA or the National Historic Preservation Act, has intentionally significantly adversely affected a historic property to which the assistance would relate, or having legal power to prevent it, allowed such significant adverse effect to occur. The RECDS may, after consultation with the Council, determine that circumstances justify granting such assistance despite the adverse effect created or permitted by the Applicant.

XIII. IMPLEMENTATION AND TRAINING

The RECDS will notify all appropriate RECDS staff of the execution of this PA and develop management procedures to ensure that its terms are implemented. The SHPO and the Council may provide occasional basic historic preservation assistance to RECDS staff and representatives. This may include, but not be limited to, the implementation of this PA and the application of the Secretary of the Interior's Standards and Guidelines for

Rehabilitation 36 CFR Part 67, and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation.

XIV. MONITORING

The SHPO and the Council may monitor any activities carried out pursuant to this PA, and the Council will review such activities as requested. The RECDS will cooperate with the SHPO and the Council in carrying out these monitoring responsibilities.

XV. AMENDMENTS

Any party to this PA may request it be amended, whereupon the parties will consult in accordance with 36 CFR 800.13 to consider such an amendment.

XVI. TERMINATION

Any party to this PA may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the RECDS will comply with 36 CFR 800.4 through 800.6 with regard to individual undertakings covered by this PA.

XVII. FAILURE TO COMPLY WITH THIS AGREEMENT

In the event the RECDS does not carry out the terms of this PA, the RECDS will comply with 36 CFR 800.4 through 800.6 with regard to individual undertakings covered by this PA.

EXECUTION AND IMPLEMENTATION of this PA evidences that the RECDS has afforded the Council a reasonable opportunity to comment on the administration of its various programs and further evidences that the RECDS has satisfied its Section 106 responsibilities for all individual undertakings of the programs.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ date: _____
Robert D. Bush, Executive Director

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT SERVICES

By: _____ date: _____
Michael M. Reyna, State Director

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

By: _____ date: _____
Cherilyn Widell, State Historic Preservation Officer

APPENDIX A
**LIST OF ACTIVITIES EXCLUDED FROM THE INFORMATION CENTER
AND SHPO REVIEW**

A. GENERAL ACTIVITIES

1. Financial assistance which does not involve structures that appear to be fifty (50) or more years old; and
2. Financial assistance which will not result in changes in the use of land.

B. HOUSING ASSISTANCE

1. Financial assistance for the purchase of an existing single or multi-family dwelling;
2. Single or multi-family home construction in existing improved subdivisions that does not require additional ground disturbance;
3. RECDS' approval to build an individual structure on an improved lot within a previously built subdivision;
4. Self-help Technical Assistance Grants;
5. Technical Supervisory Assistance Loans and Grants; and
6. Weatherization of any housing unit that does not appear to be fifty (50) or more years old or otherwise eligible for inclusion in the National Register of Historic Places, either individually or as a contributing member of a historic district.

C. COMMUNITY AND BUSINESS PROGRAMS

1. New or replacement utilities within previously disturbed road right-of-way or utility corridors that do not involve extensive ground disturbance;
2. New or replacement water wells and related facilities, provided they do not involve extensive ground disturbance;
3. Modifications to existing water or wastewater treatment plants where the area is disturbed by previous construction, and do not involve extensive ground disturbance;
4. For business and community facility projects:
 - a. Construction on sites where the ground has been extensively disturbed; or
 - b. Construction that does not involve extensive ground disturbance on developed parcels or parcels located within developed industrial or commercial areas.
5. Water storage facilities that do not involve extensive ground disturbance.